

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 5506 of 2017**

Dhansay Bariha, S/o. T.K. Bariha, R/o. Village Bade Kharwani, Tahsil and Police Station – Sarangarh, District – Raigarh (C.G.).

**----Applicant****Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station, Sarangarh, District -Raigarh, Chhattisgarh.

**---- Respondent**


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For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****07/09/2017**

State counsel submits that case diary of the case against the applicant is available, hence this can be finally argued.

1. Heard on application filed under Section 439 of Criminal Procedure.
2. It is submitted by the learned counsel for the applicant that applicant has been arrested in connection with Crime No.330/2017, registered in Police Station – Sarangarh, District -Raigarh for the offences under Section 34(1) (A) (2) 59 (A) of the Chhattisgarh Excise Act. When the application was filed, the case was under investigation, but presently, the charge-sheet has been filed against the applicant. Since his arrest dated 30.07.2017, applicant is continuously in jail. It is submitted that applicant has been falsely implicated in this case. Trial of the case is likely to take some time. The applicant is local resident of jurisdiction under Police Station – Sarangarh, District – Raigarh and there is no likelihood of his absconding, hence, he may be granted bail.

3. Counsel for the State/respondent has opposed the bail application and the submission made in this respect. It is submitted that applicant has a criminal history and previously two complaints were filed against him under Section 107, 116 (3) of Cr.P.C. on the basis of his activities, which amounted to breach of peace and thereafter, this offence has been registered against him. Under these circumstances, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary.
5. A total of 5.4 liters of duty paid liquor was seized from the possession of the applicant on 30.07.2017 for which he has been arrested and remanded to jail. Considering the facts and circumstances of the case and further taking into consideration this fact that the applicant is local resident and there is no likelihood of his absconding and the trial is likely to take some time, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
7. Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge