

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5025 of 2017

- Naresh Kumar Nihal S/o Shri Lakhan Lal Nihal, Aged About 28 Years, R/o Near Masjid, Utkal Basti, Kota, Tehsil & District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Saraswati Nagar, District- Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 08-07-2017 in connection with Crime No.87/2017 registered at P.S. Saraswati Nagar, District Raipur, C.G. for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 08-07-2017. Hence, he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that looking to the previous case history of one case under Section 34(2) of the C.G. Excise Act of the applicant and the quantity of liquor so seized from the applicant in the present matter, the application filed by the applicant for grant of bail may

be dismissed.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the facts of the case against the applicant, on 06-07-2017, 1200 quarter of Goa whiskey, in total 216 bulk liter foreign liquor has been seized from the applicant while the same was shifted from one car to another car.

6. Considering the submissions made and the contents of the case diary, and the facts that though one case of similar offence is reported against the applicant, but there is no any report regarding conviction of the applicant, detention of the applicant till conclusion of the trial would not serve any purpose, in the considered view of this Court, the application for grant of bail filed by the applicant deserves to be allowed.

7. Consequently, the application (MCRC No.5025/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge