

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6037 of 2017**

Vishnu Sinha S/o Gulab Sinha, Aged About 40 Years R/o Lalbahadur
Nagar, O.P. Chichola, District Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Excise Circle Chichola, Police Station
Chichola, District Rajnandgaon, Chhattisgarh

---- Respondent

For the Applicant : Shri Sumit Shrivastava, Advocate.
For the Respondent/State : Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.74 of 2017, registered at Police Station – Excise Circle Chichola, District – Rajnandgaon, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 08.09.2017 and the applicant has been falsely implicated in this case. The case has been investigated and the charge-sheet has been filed. As per the allegations of the prosecution case, no case is made out against the applicant and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has criminal antecedents having a case under the provisions of Section 36-C of the Chhattisgarh Excise Act and Sections 107 and 117 of the Code of Criminal Procedure, however no report as to any conviction. It is submitted that the quantity of liquor seized is 6.120 bulk liters and also the fact that the quantity of seized liquor is 6.120 bulk liters. Hence, for these reasons, he is not entitled for grant of bail.

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

5. Considering the submissions made and the contents of the case diary and the fact that the applicant is in jail since 8.9.2017, the case is already before the trial Court and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge