

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6114 of 2017**

Pyare @ Bali Diwan S/o Dashrath Diwan, Aged About 31 Years R/o Village Dokarpali, Police Station Tendukona, Tahsil Bagbahara & District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tendukona, District Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikas Pradhan, Advocate.

For the Respondent/State : Shri U.K.S. Chandel, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.12.2017**

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.29 of 2017, registered at Police Station – Tendukona, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act, 1915.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.4.2017 and he has been falsely implicated in this case. He is a resident within the jurisdiction of police station Tendukona, District Mahasamund, Chhattisgarh. 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 two cases are pending against the applicant, one case is under the provisions of I.P.C. and another case is under the provisions of Cr.P.C. It is also submitted that the applicant was found to be in possession of country-made liquor about 58.500 bulk liters and looking to the huge quantity, 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 nature of the case and also that the applicant is a local resident of P.S. Tendukona, District Mahasamund and there shall be no difficulty in his availability during trial 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