

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 353 of 2018

- Kailash Sahu S/o Late Khedu Ram Sahu, Aged About 60 Years, Caste Teli, R/o Village Purana Bazaar Para, Forest Road, Ward No. 8 Surajpur P. S. And Tahsil Surajpur, District Surajpur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge Excise Department, Surajpur District Surajpur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Mr. A.K. Prasad, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 10-12-2017 in connection with Crime No. P 8 No. 83/10.12.2017 registered at P.S.- Excise Sub-inspector, Circle-Surajpur, District – Surajpur, Chhattisgarh for the offence under Section 34(1) (a) & (f), 34(2) & 59(a) of the 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 10-12-2017. Hence, he may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that total 27.300 bulk liter illicit liquor and 230 kg. Mahuwa has been seized from the possession of the applicant. Also, earlier one case under the provision of the C.G. Excise Act was registered against the applicant. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. Considered on the submissions made and the contents of the case

diary. Though one case of the similar offence has been reported against the applicant, but conviction or acquittal of the applicant in the said case has not been reported, further, in the present matter detention of the applicant till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge