

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8024 of 2017

- Gopal S/o Babulal, Aged About 27 Years R/o Village Salouni Kala, Police Station Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-02-2018

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 grant of regular bail. The applicant has been arrested on 01-12-2017 in connection with Crime No.418/2017 registered at P.S. Bilaigarh, District Baloda Bazar Bhatapara Chhattisgarh for the offence under Section 34(2) of the C. G. Excise Act and Section 420 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 01-12-2017. Hence, he may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 06 bulk liter illicit country made liquor has been seized from the possession of the applicant. Also, there are four cases registered against him, out of them three are of preventive nature under the Cr.P.C. and one case is under the provision of the Excise Act. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.

5. Considered the submissions made and the contents of the case diary. Though four earlier four cases are reported against the applicant, but out of them three are of preventive nature and in one case of the Excise Act no conviction of the applicant has been reported, and in the present matter detention of the applicant till completion of investigation and 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