

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 191 of 2018

- Govinda S/o Late Bhagat Jhariya, Aged About 22 Years R/o Village Noonchhapar, Police Station Sahaspur Lohara, Civil And Revenue District Kabirdham Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate / Station House Officer, Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava,
Advocate

For Respondent : Mr. Vinod Tekam,PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 93/2017, registered at Police Station- S. Lohara, District – Kabirdham, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits, that the applicant has been falsely implicated in this case, no seizure of illicit liquor has been made from him. The illicit liquor was seized from the possession of the mother of the present applicant. This applicant is in jail since 06.12.2017, therefore, he may be released on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, there are two previous cases registered against the present applicant under the provisions of Chhattisgarh Excise Act, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. A raid was conducted on 11.04.2017 in the premises of co-accused Mini Bai Jhariya, 360 bulk litres of country made liquor was seized from her possession. This applicant was seen running away from the spot by the raiding party.
6. Considered on the submission made and the contents of the case diary. Though there are two previous cases registered against the present applicant, but conviction or acquittal of this applicant has not been reported in any of those cases, further in the present matter detention of the applicant till completion of investigation and trial would not serve any purpose, hence, for these reasons this applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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