

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 63 of 2018

- Dev @ Raja Nayak S/o Chandra Kumar Nayak, Aged About 36 Years
R/o Krishna Nagar Daganiya, Police Station D. D. Nagar, Civil And
Revenue District Raipur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station D.
D. Nagar, Raipur District Raipur Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr.G.L. Verma, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.02.2018

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. 296/2017, registered at Police Station- D.D. Nagar, Raipur, District – Raipur, (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.580 bulk liters and he was arrested on 10.11.2017
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.11.2017; therefore, he may be released on bail.

4. 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, one is under the provisions of Indian Penal Code and another is under the Arms Act, hence, he is not entitled for grant of bail.
5. Heard counsel for both the parties and perused the case diary.
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.
8. 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