

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 205 of 2018

- Bhineshwar Kumar Loniya S/o Late Ramsnehi Loniya, Aged About 28 Years R/o Station Para Ghutku, P. S. Koni, Tahsil Takhatpur District Bilaspur Civil And Revenue District Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Koni P. S. Koni, District Bilaspur Chhattisgarh , Chhattisgarh

---- Respondent

For Applicants	:	Shri Dheerendra Pandey, Advocate.
For Non-applicant/State	:	Shri Vijay Bahadur Singh, 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 by the applicant for grant of regular bail. The applicant has been arrested on 13-12-2017 in connection with Crime No.396/2017 registered at P.S. - Koni, District Bilaspur, Chhattisgarh, for the offence under Section 34(2), 59(A) of the C.G. 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 13-12-2017. 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 12 bulk liters illicit liquor has been seized from the possession of the applicant. Also, against this applicant one previous case for the offence under Section 36(C) of the C.G. Excise Act is registered. 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 there are one previous case registered against this applicant, but conviction or acquittal of the applicant has not been reported, further 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha