

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 264 of 2018

- Mahavir S/o Jagatram Gond, Aged About 32 Years, R/o Baloda, Police Station Gidhouri, District Baloda Bazar-Bhatapara Chhattisgarh, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, 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 26-12-2017 in connection with Crime No.207/2017 registered at P.S. Gidhouri, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 34(2) 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 26-12-2017. 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 10 bulk liter illicit hand made country liquor has been seized from the possession of the applicant. Also, there are three previous cases under the Excise Act, one case under the provisions of the IPC and one case under the provision of Cr.P.C. registered against this 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 there are previous cases registered against this applicant, but conviction or acquittal of the 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 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