

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 379 of 2018**

Mitthu Lal S/o Kishano Gond, Aged About 60 Years R/o Ghatmadwa,  
Police Station Gidhouri, District Baloda Bazar Bhatapara Chhattisgarh.

**---- Applicant****Versus**

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

**---- Respondent**


---

For the Applicant : Shri A.S. Rajput, Advocate.  
For the Respondent/State : Shri Vivek Singhal, P.L.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****15.02.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.3 of 2018, registered at Police Station Gidhouri, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and Section 420 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.1.2018 and the applicant has been falsely implicated in this case. He is a resident within the jurisdiction of Police Station Gidhouri, District Baloda Bazar, Bhatapara, Chhattisgarh. As per the allegations of the prosecution case, no case is made out against the applicant and the trial of

the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant was found to be in possession of mahuwa liquor about 9 bulk liters. Further, it is submitted that the applicant has a history of criminal record having four cases registered against him for the offences under Code of Criminal Procedure and also one proceeding under Section 34(2) of the Chhattisgarh Excise Act, which shows that he is habitual offender. Hence, it is prayed the applicant is not entitled for grant of bail. In reply, learned counsel for the applicant submits that the applicant has not been convicted in any case.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the submissions made and the contents of the case diary and the nature of the case and also that the applicant is a local resident of District Baloda Bazar and there shall be no difficulty in his availability during trial and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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