

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 406 of 2018**

Dhaneshwar Nishad S/o Sitaram Nishad Aged About 33 Years R/o
Hathband Thana Simga District Baloda Bazar Batapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Excise Circle Bhatapara District Baloda
Bazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Ms. Supriya Upasana, Advocate.
For the Respondent/State : Shri Anant Bajpai, 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.38 of 2017, registered at Excise Circle – Simga, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.12.2017 and the applicant has been falsely implicated in this case. He is a resident within the jurisdiction of Excise Circle Simga, 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 liquor about 6.3 bulk liters and looking to the huge quantity, he is not entitled for grant of bail.

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, Bhatapara 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