

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 429 of 2018**

Mohammad Moin S/o Mohammad Jalil, Aged About 44 Years R/o Santram Das, Ward No. 19, Kaling Nagar, Ramnagar , Gudhiyari Post Office, Tahsil Raipur, Police Station Gudhiyari Raipur District Raipur Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gudhiyari District Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, 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.225 of 2017, registered at Police Station Gudhiyari, District – Raipur, 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 4.9.2017 and the applicant has been falsely implicated in this case. He is a resident within the jurisdiction of Police Station Gudhiyari, District Raipur, 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 handmade liquor about 5.760 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 Raipur 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