

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 770 of 2018

- Suresh Prajapati S/o Chandrika @ Rampal, Aged About 35 Years, Aamagohan (Khongsara), Out Post Belgahna, Police Station Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post Belgahna, Police Station Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-02-2018

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 24-12-2017 in connection with Crime No.422/2017 registered at Out Post Belgahna, Police Station Kota, 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 24-12-2017. 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 30 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is one case under the provisions of the IPC registered against the applicant in the year 2017. 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 is one previous case registered against the applicant for the offence under various sections of the IPC, but no previous case for the similar offence under the provision of the Excise Act has been reported against the applicant, further in the present matter detention of the applicant till conclusion of the 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