

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8012 of 2017**

Shersingh Yadav S/o Prakash Yadav, Aged About 40 Years R/o Gandhi Nagar Ward, P. S. Bodhghat, Tahsil Jagdalpur District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Bodhghat Tahsil Jagdalpur District Bastar Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikash Shrivastava, Advocate.
For the Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.01.2018**

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.407 of 2017, registered at Police Station – Bodhghat, Tahsil Jagdalpur, District – Bastar, Chhattisgarh for the offence punishable under Sections 34(2) of the Excise Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.12.2017 and the applicant has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The applicant is a resident within the jurisdiction of police station Bodhghat, Tahsil Jagdalpur, District – Bastar, 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 foreign liquor about 5.760 bulk liters and the applicant also has history of criminal record having one case registered against him for the offence under Section 36 of the Excise Act. Hence, the applicant 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 P.S. Bodhghat, Tahsil Jagdalpur, District – Bastar, Chhattisgarh 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