

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1123 of 2018

1. Jeewan Dewar S/o Shri Gorelal Dewar Aged About 50 Years R/o Village Chharchhed, Thana Kasdol, Distt. Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Rajkumar Sonwani S/o Shri Nanki Sonwani Aged About 19 Years R/o Village Chharchhed, Thana Kasdol, Distt. Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Kasdol, Distt. Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Non-applicant/State	:	Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for grant of regular bail. The applicants have been arrested on 16-12-2017 in connection with Crime No.482/2017 registered at P.S. - Kasdol, District Baloda Bazar, Bhatapara, Chhattisgarh, for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in custody since 16-12-2017. Hence, they may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that 9.600 bulk liters illicit liquor has been seized from the possession of the applicant No.1 Jeewan Dewar and 6 bulk liters illicit liquor has been seized from the possession of the applicant No.2 Rajkumar Sonwani. Also, against applicant No.1 two cases against him under

various provisions of the Penal Code are registered and applicant No.2 has no criminal history. Hence, they are not entitled for grant of bail.

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

5. Considered the submissions made and the contents of the case diary.

Though there are two previous cases registered against applicant No.1 and no criminal history of applicant No.2, but conviction or acquittal of the applicants have not been reported, further in the present matter detention of the applicant till completion of investigation and 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha