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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1366 of 2018

- Jagannath Pathak S/o Shri Prahlad Pathak, Aged About 55 Years, R/o- Ramgopal Tiwari Ward Mungeli, Thana And Tahsil- Mungeli, Civil And Revenue District- Mungeli (C.G.), District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Excise Officer Excise Circle Mungeli, Civil And Revenue District- Mungeli, Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2018

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 26-01-2018 in connection with Crime No.229/2018 registered at P.S. - Excise Circle Mungeli, District- Mungeli, Chhattisgarh for the offence under Section 34(1)(A), 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 26-01-2018. 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 9 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are two previous cases under the provisions of the Excise Act registered against the applicant in the year 2011 and 2012. 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 are two previous cases under the provisions of the Excise Act registered against the applicant, but conviction or acquittal of the applicant in any of those previous cases has not been reported, 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