

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1637 of 2018

- Bhuvan Nishad S/o Bahur Nishad Aged About 32 Years R/o- Village Tila, Police Station Navapara, Tahsil Abhanpur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant – Shri B.L. Sahu, Advocate.

For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 02-11-2017 in connection with Crime No.91/2013 registered at P.S. - Arang, District Raipur, Chhattisgarh, for the offence under Section 34(2) 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 02-11-2017. He further submits that applicant has been arrested on non-bailable warrant issued by the concerned trial Court due to his non-appearance before the concerned court on the day and date fixed. Earlier the applicant was granted bail by the co-ordinate Bench of this Court vide order dated 5.6.2013 passed in MCRC No.1918/2017 and that bail order is still in force, therefore, it is prayed that applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submission.
4. Heard learned counsel for both the parties and perused the case diary.

5. As it appears that applicant was already on bail pursuant to the order dated 5.6.2013 passed by this Court in MCRC No.1918/2013. There is no such condition in the previous order granting bail to the applicant that in case of non-appearance, the order passed shall become ineffective, hence, that order is still in existence. The concerned trial Court could have proceeded against the applicant only to the extent of forfeiting the amount of previous bail bonds furnished by the applicant but instead of passing orders in that line the trial Court and the concerned Sessions Court have rejected the application of this applicant without taking into consideration the fact that the order passed by this Court is still in force. Hence, for this reason, the concerned trial Court is directed to comply with previous order passed by this Court and release the applicant on bail on his furnishing bail bonds in accordance with the previous order passed by this Court.

7. The application is, accordingly, disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha