

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1556 of 2018

- Rakesh Yadav S/o Dashrath Yadav Aged About 34 Years R/o- Behind Potato Warehouse, Village- Sirsa Khurd, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Pulgaon Durg District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant – Shri Prasoon Agrawal, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, 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 06-01-2018 in connection with Crime No.13/2018 registered at P.S. - Pulgaon Durg, District Durg, 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 06-01-2018. 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 5.22 bulk liter illicit handmade country liquor has been seized from the possession of the applicant. He further submits that one criminal case is already registered against this applicant. Hence, he is not entitled for grant of bail.
4. In reply, learned counsel for the applicant submits that the case is still pending and in which applicant has been released on bail in that case.
5. Heard learned counsel for both the parties and perused the case diary.

6. Considered the submissions made and the contents of the case diary.
7. Although a criminal case has been registered against the applicant, but considering the fact that no case under the provisions of the CG Excise Act is reported to be registered against him and further considering the fact that detention of applicant in jail till conclusion of the trial would not serve any purpose, this Court is of this view that the application deserves to be allowed.
8. 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.
9. Certified copy as per rules.

(Rajendra Chandra Singh Samant)
Judge

Nisha