

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1597 of 2018

- Mangatu S/o Late Shri Burhau Aged About 48 Years Caste- Satnami, R/o- Village- Khisora, Police Station- Balauda, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Balauda, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant – Shri Paras Mani Shrivastava, 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 05-02-2018 in connection with Crime No.38/2018 registered at P.S. - Balauda, District Janjgir Champa, 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 05-02-2018. 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 20 bulk liter illicit liquor has been seized from the possession of the applicant. Also, against this applicant two previous cases for the offence under the provisions of the CG Excise Act are registered. Hence, he is not entitled for grant of bail.
4. In reply, learned counsel for the applicant submits that the previous case against the applicant are pending and he is on bail in both the cases.

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. Considering the fact that though earlier aforesaid case have been registered against the applicant, but no earlier case is reported against him for the offence under the provision of the Excise Act and the fact that detention of the applicant till conclusion of the trial would not serve any purpose, this Court is of this view that for these reasons 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge