

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1620 of 2018

- Kailash Prasad Jaiswal S/o Firulal Aged About 30 Years Caste Kalar, R/o Village Ghoghri, P. S. Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, P. S. Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Aditya Sharma, Advocate.
For Non-applicant/State	:	Smt. Smita Ghai, 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 22-01-2018 in connection with Crime No.45/2018 registered at P.S. Dabhara, 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 22-01-2018. 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 13.100 bulk liter illicit liquor has been seized from the possession of the applicant. Also, against this applicant one previous case for the offence under the provisions of the CG Excise Act of 2015 and one previous case proceedings under CrPC of 2013 are registered. Hence, he is 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.
6. Considering the fact that though earlier aforesaid two cases 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.
7. 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha