

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1628 of 2018

- Ramfal Chauhan S/o Late Jhulsai Chauhan Aged About 33 Years R/o Village Kadari, Tahsil Champa, P. S. Baradwar, Dist. Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Baradwar, Dist. Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant – Shri Ravindra Sharma, Advocate.

For Non-applicant/State – Shri Aditya Sharma, 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 13-02-2018 in connection with Crime No.54/2018 registered at P.S. - Baradwar, 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. Applicant was prosecuted in 6 previous cases out of which 5 are of 34(1) CG Excise Act and another one of 36(C) of Excise Act. All the five cases have been decided out of which copy of the judgments of 4 cases has been filed. One case under 36(C) Excise Act has been disposed of, after admission made by the applicant. In admission guilt made by in that case. No case is made out against the applicant. He is in custody since 13-02-2018. 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 21.240 bulk liter illicit liquor has been seized from the possession of the applicant. Also, against this applicant

six previous cases for the offence under the provisions of the CG Excise Act are registered. It is submitted that looking to the previous history of the applicant 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 cases have been registered against the applicant, but no earlier case is reported against him 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