

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1682 of 2018

- Sonu @ Rajkumar Gendre S/o Shri Kartikram Gendre Aged About 35 Years R/o- Village- Bhejridih, P.S. Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Ms. N.K. Kashyap, Advocate.
For the Respondent/State	:	Shri N. K. Mehta, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.03.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 211/2012, registered at Police Station – Kharora, District – Raipur, (C.G), for the offences under Section 34 (2) of the Excise Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 28.01.2018. No seizure has been made from this applicant. Although the charge-sheet was filed in the years 2012 against this applicant, but this applicant being ignorant about the proceedings against him had left the place to earn his living in Uttar Pradesh. The applicant is ready to abide by all the conditions which may be imposed while granting bail to the applicant, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that the case is year of 2012 and the applicant had been absconder all the times. The applicant was present on the spot when the recovery was made by the police from the co-accused but finding an opportunity the applicant escaped from the spot, hence, no case is made out for grant of bail to this applicant.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident total 120.96 bulk liters illicit liquor has been seized from the co-accused persons and this applicant also present on the spot and on seeing the raiding party he fled away from there.
6. Considering the submission and contents of the case diary and the present applicant is local resident of District – Raipur, and ready to abide by all the conditions imposed upon him and looking to the pendency of the trial in this case, this Court is of the opinion that this is a fit case where the applicant should be released on Bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge