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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 1841 of 2018**

- Shiv Sahu S/o Late Manrakhan Sahu Aged About 44 Years R/o- Chingrajpara, Police Station Sarkanda, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- District Magistrate, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Shiv Sahu, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**26.03.2018.**

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 17.01.2018 in connection with Crime No.43/2018 registered at P.S. - Sarkanda, District- Bilaspur, 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 17.01.2018. Hence, he may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that total 5.200 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 IPC and one case is under the Gambling Act 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 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.

**Sd /-**  
**(Rajendra Chandra Singh Samant)**  
**Judge**