

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1928 of 2018

- Sitaram Banjare S/o Bhagwandas Banjare, Aged About 58 Years, R/o- Village Tusma, Police Station Sivrinarayan, Civil And Revenue District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Mr. Punit Ruparel, Advocate.

For Non-applicant/State – Ms. K. Tripti Rao, Panel Lawyer.

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 filed by the applicant for grant of regular bail. The applicant has been arrested on 28-02-2018 in connection with Crime No. 64/2018 registered at P.S. - Sivrinarayan, District- Janjgir-Champa, Chhattisgarh for the offence under Section 34(2) of 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 28-02-2018. Hence, he may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 63 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is one previous case under the provisions of the Excise Act registered against the applicant. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. Considered on the submissions made and contents of the case diary.

Though one previous case under the provisions of the Excise Act is reported against the applicant, but conviction or acquittal of the applicant in the said case has not been reported, further, in the present matter detention of the applicant till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge