

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1986 of 2018

- Atul Kumar Gupta S/o Shri Harish Chandra Gupta Aged About 22 Years R/o- House No. M/1b-51, Pump House Korba, Tahsil And District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

- --- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Korba, Through- P.S. Uрга, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N. K. Chhatterjee, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26.03.2018.

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. 128/2018, registered at Police Station- Kotwali, Out Post – CSEBI, District – Korba, (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh 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 27.02.2018, 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 5.200 bulk liters illicit liquor has been seized from the possession of the applicant. Also, against this applicant one previous case for the offence under the provision of 36 (b) of C.G. Excise, Act, 2017 is 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.

Though there is one previous case registered against this applicant, but conviction or acquittal of the applicant has not been reported in this case, further in the present matter detention of the applicant till completion of investigation and 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge