

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2202 of 2018**

Peritram Anant S/o Bahorik Anant Aged About 60 Years R/o- Village- Fulwari
Kala Tahsil Lormi, Police Station- Lalpur, District- Mungeli, Chhattisgarh.,
District : Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Excise Circle,
Mungeli, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant : Smt. Indira Tripathi, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.04.2018**

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn in M.Cr.C. No. 1027 of 2018 dated 20.2.2018. The applicant has been arrested in connection with Crime No.147 of 2017, registered at Police Station Excise Circle, Mungeli, District – Mungeli, Chhattisgarh for the offence punishable under Sections 34(1)(a), 34(2) and 59(a) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits that the first bail application was withdrawn when the investigation was pending. Presently, the charge-sheet has been filed in this case. The applicant is suffering from paralysis and he has been falsely implicated in this case. The applicant is in jail since 20.12.2017. Hence, it is prayed that the applicant be enlarged on bail.
3. Learned State counsel opposes the bail application and the

submissions made in this respect. It is submitted that the applicant also has history of criminal records having one criminal proceeding under the provisions of preventive procedure of Code of Criminal Procedure, 1973 and one criminal proceeding under the provisions of Excise Act. Hence, the applicant is not entitled for grant of bail.

4. 400 liters of country-made liquor was found which was stored in the septic tank situated behind the house of the applicant and the same was seized from the possession of the applicant in this case.

5. Considering the fact that as the charge-sheet has been filed, according to the documents submitted and also it is mentioned in the challan itself that the applicant is suffering from paralysis, I am of the view that the applicant should be benefited with grant of regular bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge