

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2480 of 2018**

- Mansingh S/o Heeraji Nayak, Aged About 40 Years, R/o- Village-Deradhih, P.S.- Gidhouri (Tundri), District- Baloda Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- S.H.O. P.S. Gidhouri, District- Baloda-Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Hemant Gupta, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****16-04-2018**

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 21-03-2018 in connection with Crime No.80/18 registered at P.S. Gidhouri, District- Baloda-Bazar-Bhatapara, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act (in short 'the 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 21-03-2018. 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 07 bulk liter illicit liquor has been seized from the possession of the applicant. It is further submitted that there is one case under Section 34(2) of the Excise Act, 4 cases under Section 34(a) of the Excise Act and one case under the provisions of the Cr.P.C. registered against this applicant. Hence, he is not entitled for grant of bail.

4. In reply, learned counsel for the applicant submits that the applicant has

been acquitted in the aforesaid 4 previous cases under Section 34(a) of the Excise Act and the case under Section 34(2) of the Excise Act is the case in which this application for bail has been filed.

5. Heard learned counsel for both the parties and perused the case diary.

6. Considering the submissions made and the contents of the case diary, detention of the applicant till conclusion of the trial would not serve any purpose. Hence, 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge