

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2429 of 2018

- Kamlesh Sonkar S/o Bahori, Aged About 45 Years, By Caste- Sonkar, R/o - Ward No. 4, Moharpara Manendragarh, Thana And Tahsil Manendragarh, District - Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, through - Excise Police Manendragarh, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Parag Kotecha, 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 04-02-2018 in connection with Crime No.130/18 registered at P.S. - Excise Police Manendragarh, District- Koriya, 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 04-02-2018. 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 8 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is one previous case under Section 36F 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 the contents of the case diary. Though one previous case under the provision of the Excise Act has been 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