

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2461 of 2018

- Chhotu @ Raj Jangde S/o Dukalu Jangde, Aged About 28 Years, R/o- Village Bhejridih, Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police of Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Bharat Lal Sahu, Advocate.

For Non-applicant/State – Ms. Smita Ghai, 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 05-03-2018 in connection with Crime No.49/2018 registered at P.S. Kharora, District- Raipur, 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 05-03-2018. The three co-accused persons in this case have been granted bail by this Court. Hence, the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 216 bulk liter illicit liquor has been seized from the joint possession of this applicant and the co-accused persons. Also, there are 7 prosecution against the applicant, out of which two cases are under the provisions of the Excise Act and two cases are under the provisions of the IPC. 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 two previous cases under the provisions of the Excise Act and two previous cases under the provisions of the IPC have been reported against the applicant, but conviction or acquittal in those cases has not been reported, further, the co-accused persons in this case have already been granted bail, hence, for these reasons, I am of this view that this applicant should also be released on bail during pendency of the trial against him.

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