

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2489 of 2018

1. Hemlal Nishad S/o Kanwal Ram Nishad, Aged About 35 Years, By Caste- Kewat, R/o- Village- Bhanwarpur, Police Outpost- Bhanwarpur, Thana- Basna, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Mahendra Patel S/o Shri Nandau Patel, Aged About 33 Years, By Caste- Aghariya, R/o- Village- Pakadipali, Police Outpost- Bhanwarpur, Thana- Basna, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Station House Officer Police Station- Basna, Outpost- Bhanwarpur, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Vivek Singhal, 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 applicants for grant of regular bail. The applicants have been arrested on 18-12-2017 in connection with Crime No.561/2017 registered at P.S.- Basna, Outpost- Bhanwarpur, District- Mahasamund, 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 applicants that the applicants have been falsely implicated in this case. They are in custody since 18-12-2017. Hence, they may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 5.580 bulk liter illicit liquor has been seized from the joint possession of the applicants. Also, there are two previous cases under the provisions of the Excise Act and one case of preventive nature

under the provisions of the Cr.P.C. registered against the applicants. Hence, they are 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 have been reported against the applicants, but their conviction or acquittal in those cases has not been reported, further, in the present matter detention of the applicants 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 applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge