

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2760 of 2018

- Sudhe S/o Heeralal Satnami Aged About 36 Years R/o- Village Boriya, Police Station And Tahsil Berla, Revenue And Civil District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S. Berla Revenue And Civil District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Keshav Prasad Gupta, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30.04.2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 06.04.2018 in connection with Crime No. 85/2018 registered at P.S. - Berla, District – Bemetara, Chhattisgarh, for the offence under Section 34(2) of the C.G. 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 06.04.2018, hence, it is prayed that he may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that in total 8.640 bulk liters illicit liquor has been seized

from the possession of the applicant. Also, against this applicant 2 previous cases for the offence of under the provisions of C.G. Excise, Act, are registered, hence, he is not entitled for grant of bail.

4. In reply learned counsel for the applicant submits that the applicant is on bail in all the previous cases.
5. Heard learned counsel for both the parties and perused the case diary.
6. After considering the facts and contents of the case diary, there is no conviction against the applicant on the basis of previous prosecution against him. Presently the case against the applicant is that on 06.04.2018, 15 litres of illicit liquor was seized from his possession, on the basis of which, he has been arrested and the offence has been registered against him.
7. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
8. 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge