

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7907 of 2017

- Thanesh Barle S/o Late Durjan Barle, Aged About 44 Years, R/o Village Kondapar, Tahsil and Thana Kurud Dist. Dhamtari Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Policy Chowki Berejhar, P S Kurud District Dhamtari Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Mr. R.S. Patel, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-02-2018

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 12-11-2017 in connection with Crime No.470/2017 registered at Police Chowki Berejhar, P. S. Kurud District Dhamtari 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 12-11-2017. Hence, he may be enlarged 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 country made liquor has been seized from the possession of the applicant. Also, against this applicant one previous case for the offence under the provisions of the IPC is registered. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.
5. Considered the submissions made and the contents of the case diary.

6. Considering the fact that though earlier aforesaid case has been registered against the applicant, but no earlier case is reported against him for the offence under the provision of the Excise Act and the fact that detention of the applicant till conclusion of the trial would not serve any purpose, this Court is of this view that 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