

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3422 of 2018

- Hariram S/o Dhanu, Aged About 40 Years, Caste Yadav, R/o Village Belari, Tahsil Bilaigarh, P. S. Saliha, District Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Saliha, District Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Suresh Kumar Verma, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-05-2018

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 25-04-2018 in connection with Crime No.43/2018 registered at P.S. Saliha, District Balodabazar-Bhatapara, 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 25-04-2018. 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 6 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is one previous case under Section 34(a) of the Excise Act and two preventive proceedings under the provisions of the Cr.P.C. 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. Thought one previous case under the provisions of the Excise Act has been reported against the applicant, but conviction or acquittal of the applicant in the said previous 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