

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3334 of 2018

- Umesh Deshmukh S/o Hemraj Deshmukh, Aged About 34 Years, Caste-Kalar, R/o- Chilhati, Police Station Chilhati Tehsil Ambagarh Chauki, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Excise Circle, Ambagarh Chauki, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-05-2018

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 26-04-2018 in connection with Crime No.02/2018 registered at P.S. Excise Circle, Ambagarh Chauki, Distt. Rajnandgaon, 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 26-04-2018. The liquor has been seized from the house in which this applicant resides, the house is shared by other family members, hence, it cannot be said that this applicant was the only person who is responsible for the possession of the article seized. Hence, it is prayed that this 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 225 bulk liter illicit liquor has been seized from the possession of 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. Considering on the submissions made and the contents of the case diary and taking into consideration the facts that the applicant has no criminal antecedent and detention of the applicant till conclusion of the trial would not serve any purpose, I am of the view that 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