

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3360 of 2018

- Dinesh Rao S/o Late Basant Rao Salam, Aged About 37 Years, R/o- Near Das Kirana Tiranga Chowk, P.S. Bodhghat Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Bodhghat, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, 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.123/2018 registered at P.S. Bodhghat, District- Bastar, 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 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 7.380 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is eight earlier prosecution against the applicant under the provisions of the Gambling Act. 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. Though some previous cases under the provisions of the Gambling Act

have been reported against the applicant, but, no previous case for the similar offence has been reported against him, 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