

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4757 of 2018

- Manish Sagar S/o Kishore Sagar, Aged About 30 Years, R/o- Kalibadi, Nehru Nagar, Post Office, Raipur, Police Station- City Kotwali, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- City Kotwali, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Shivendu Pandya, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-07-2018

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 27-02-2018 in connection with Crime No.62/2018 registered at P.S. - City Kotwali, Distt. Raipur, Chhattisgarh for the offence under Section 34(2) of 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 27-02-2018. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 5.400 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are 4 previous cases under the provisions of the IPC and one preventive proceeding 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 the parties and perused the case diary.

5. Considered on the submissions made and the contents of the case diary. Though four previous cases under the provisions of the IPC have been reported against the applicant, but, conviction or acquittal of the applicant in those cases 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, 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