

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4946 of 2018

- Fagulal Sarthi S/o Munu Lal Sarthi, Aged About 40 Years, Caste Ghasiya, R/o Bhanwarpur, Police Station & Tahsil Baramkela District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baramkela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Manish Upadhyay, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2018

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 20-05-2018 in connection with Crime No.94/2018 registered at P.S. Baramkela, District Raigarh, Chhattisgarh for the offence under Section 34(2), 59(A) 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 jail since 20-05-2018. Hence, he may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 14 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are three previous cases under the provisions of the Excise Act, two cases under the provisions of the IPC and five proceedings of preventive nature 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. Though three previous cases under the provisions of the Excise Act and two cases under the provisions of the IPC have been reported against the applicant, but conviction or acquittal 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 feel inclined to grant regular bail to this applicant.
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