

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5044 of 2018

- Mangesh Khopragade S/o Gyaniram Khopragade, Aged About 38 Years, R/o Gondiya, P.S. Ramnagar, Gondiya (Maharashtra) Present R/o Village Devarbija Tehsil Berla, P.S. Bemetara District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station Bemetara, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

----Non-applicant

For Applicant – Shri Raza Ali, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2018

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 05-07-2018 in connection with Crime No.350/2018 registered at P.S. - Bemetara, District Bemetara, Chhattisgarh for the offence under Section 34(2) of 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 05-07-2018. 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 is one previous case under Section 36(C) of the Excise Act 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 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 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, 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