

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5063 of 2018

- Pawan Nishad S/o Fagua Nishad, Aged About 32 Years, R/o Village Baghiyatola, Thana/Tahsil Dongargarh, Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through Police Station Dongargarh, Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Samir Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-07-2018

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 11-05-2018 in connection with Crime No.139/2018 registered at P.S. Dongargarh, District Rajnandgaon, Chhattisgarh for the offence under Section 34(2) 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 custody since 11-05-2018. 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 43.200 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are two previous cases under the provisions of the Excise Act and one case under the provisions of the IPC 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 two previous cases under the provisions of the Excise Act and one case 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 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