

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5195 of 2018

- Ram Kumar Sidar S/o Buda Ramsidar, Aged About 28 Years, Occupation- Agriculture Labour, R/o Village Siladi, Police Station and Tahsil Pusaur, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Pusaur, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Manoj Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2018

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 08-07-2018 in connection with Crime No.125/2018 registered at P.S. Pusaur, District Raigarh, Chhattisgarh for the offence under Section 34(2), 59(A) of 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 08-07-2018. 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 20 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is one previous case under the provisions of the IPC and one case under Section 34(1)(a) 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 IPC and one case under the provisions of the Excise Act 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 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