

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5386 of 2018

- Rakesh Banjare S/o Dashrath, Aged About 37 Years, R/o Village Chhirhapara, Police Station Takhatpur, District (Revenue & Civil) Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Takhatpur, District (Revenue & Civil) Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Anand Kesharwani, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2018

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 02-07-2018 in connection with Crime No.248/2018 registered at P.S. - Takhatpur, District (Revenue & Civil) Bilaspur, Chhattisgarh for the offence under Section 34(2) of Excise Act.
2. It is submitted on behalf of the applicant that name of applicant has been wrongly typed in the application under Section 439 of the Cr.P.C. filed before this Court as Rakesh, whereas, his actual name is Rajesh which is mentioned in the order passed by the Court below. It is further submitted that the applicant has been falsely implicated in this case. He is in jail since 02-07-2018. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 30 bulk liter illicit liquor has been seized from the possession of the applicant. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. Considering on the submissions made and the contents of the case diary, 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