

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5437 of 2018

- Nago Gaudi S/o Late Lacchha Gaudi, Aged About 65 Years, R/o-Tikrapara, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri P.K. Tulsyan, Advocate.

For Non-applicant/State – Shri Vinod Tekam, 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 16-07-2018 in connection with Crime No.327/2018 registered at P.S. - City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh for the offence under Section 34(2) 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. The applicant is in jail since 16-07-2018. 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 5.760 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are two previous cases 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 two previous cases under the provisions of the Excise Act have been reported against the applicant, but conviction or acquittal of the applicant in the said 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