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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7851 of 2017

- Santoshi Gond W/o Vishnu Porte, Aged About 50 Years, R/o Village Dindori, Police Outpost- Chilfi, Police Station Lormi, Civil And Revenue District Mungeli, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Sub- Inspector, Lormi Circle Of Excise, Civil And Revenue District Mungeli, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Pallav Mishra, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 26-10-2017 in connection with Crime No.102/2017 registered at P.S. - Excise Circle Lormi, District Mungeli, Chhattisgarh for the offence under Section 34(1)(A), 34(2), 59(A) of the C.G. 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 26-10-2017. Hence, he may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 40 bulk liter illicit country made liquor has been seized from the possession of the applicant in the present matter. Also, there is one previous case registered under the provision of the Excise Act against this 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 the submissions made and the contents of the case diary. Though one case of the similar offence has been reported against the applicant, but no conviction is reported against the applicant, also in the present matter detention of the applicant till completion of investigation and trial would not serve any purpose. Hence, this Court is of the view that 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