

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8114 of 2017

- Ishwar Kurmi S/o Narayan Aged About 32 Years R/o Village Mudpar, Dongargarh, District Rajnandgaon Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate.

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 484/2017, registered at Police Station- Dongargarh, District – Rajnandgaon, (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 08.12.2017. 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 6.300 bulk liter illicit liquor has been seized from the possession of the applicant. Also, against this applicant three previous cases for the offence under the provisions of the C.G. Excise Act, are registered and one proceedings was withdrawn against him under Section 151 of Cr.P.C. Hence, he is not entitled for grant of bail.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.
6. Considering the fact that though earlier aforesaid cases have been registered against the applicant, but no earlier case is reported against him for the offence under the provision of the Excise Act and the fact that detention of the applicant till conclusion of the trial would not serve any purpose, this Court is of this view that for these reasons the application deserves to be allowed.
7. 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.

Sd / -

**(Rajendra Chandra Singh Samant
Judge**