

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 319 of 2019

- Sahdev Bariha S/o Pitamber Bariha, Aged About 50 Years, Caste - Binjhar, R/o - Village - Pastamuda, Post Office And Police Station - Sohela, District Bargarh Odisha., District : Bargarh, Orissa

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Saraipali, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Ms. Mandavi Bhardwaj, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-01-2019

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 21-10-2018 in connection with Crime No.91/2018 registered at P.S. - Saraipali, District – Mahasamund, Chhattisgarh for the offence under Section 34(2) of C.G. Excise Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. Similarly placed co-accused Saudakaro Bariha has been granted bail by this Court in MCRC No.2373 of 2018 vide order dated 16-04-2018. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. 25 bulk liter of illicit liquor has been seized from the possession of co-accused Saudakaro Bariha where this applicant was also present, but he made escape and was in absconsion.

6. As co-accused Saudakaro Bariha has been granted bail in MCRC No.2373 of 2018 by order dated 16-04-2018, I feel inclined to allow this application.

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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge