

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4438 of 2019

- Manoj Kumar Kaushik S/o Bhupendra Kumar Kaushik, Aged About 21 Years, Caste Cherwa, Resident of Village Bartori, Police Station Bilha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Excise Circle Bilha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Kaushal Yadav, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2019

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 24-06-2019 in connection with Crime No.20/2019 registered at P.S. - Excise Circle Bilha, District Bilaspur, Chhattisgarh for the offence under Section 34(2)(A), 34(2), 59(a) of the Chhattisgarh Excise Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 24-06-2019. 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 7.2 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are two previous cases for the similar offence and other proceedings under the Cr.P.C. 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. 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. Though previous cases have been reported against the applicant, but his conviction or acquittal in those cases has not been reported. 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