

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5088 of 2019

- Suresh Kumar Nishad S/o Late Budhram Nishad, Aged About 45 Years, R/o Village Jamghat, Police Station Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Excise Circle, Tilda, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Rekhraj Baghel, Advocate.

For Non-applicant/State – Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

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 14-07-2019 in connection with Crime No.29/19 registered at P.S. - Excise Circle, Tilda, District Raipur, 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. He is in jail since 14-07-2019. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 25.920 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are some previous prosecutions against the applicant under the provisions of Excise Act. Hence, he is not entitled for grant of bail.
4. In reply, it is submitted by learned counsel for the applicant that the applicant has been acquitted in the earlier prosecutions.
5. Heard learned counsel for the parties and perused the case diary.

6. 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. Hence, for these reasons, I am of the view that 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge