

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5112 of 2019

- Dularwa Khute S/o Late Sajuram, Aged About 48 Years, Caste Satnami, R/o Village Kediyevarwar, P.S. Sarsiva, District Balodabazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarsiva, District Balodabazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhatapara, Chhattisgarh

----Non-applicant

For Applicant – Ms. Pushplata Khalkho, Advocate.

For Non-applicant/State – Mr. Jitendra Shukla, 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 24-07-2019 in connection with Crime No.243/2019 registered at P.S. - Sarsiva, District Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 34(2) of 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 24-07-2019. 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 6.300 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there is previous history of the applicant of having been proceeded under the prohibitory provisions of the Cr.P.C. 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. 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