

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5943 of 2019

- Pradeep Pandey S/o Shiv Shankar Pandey (Wrongly mentioned Chandra Shekhar Pandey in order sheet / bail order Annexure A - 1 and A - 2), About 51 Years, R/o Jamsaarpara, Chandwak, District Baransai, at Present R/o Punjipathra Pandey Hotel Raigarh, Tehsil and District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Punjipathra, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

----Non-applicant

For Applicant – Shri Umakant Singh Chandel, Advocate.

For Non-applicant/State – Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-06-2019 in connection with Crime No.114/2019 registered by P.S. - Punjipathra, District Raigarh, Chhattisgarh for the offence under Section 34 (2) & 59 (a) of C.G. Excise Act.
2. It is submitted on behalf of the applicant that this is second application filed by the applicant before this Court for grant of regular bail. His earlier bail application was dismissed as withdrawn. The applicant is in jail since 28-06-2019. The witnesses of seizure have been examined before the trial Court who have not supported the prosecution case. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that total 69.120 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are five earlier cases registered against the applicant for the similar offence. Hence, the application

may be rejected.

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