

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6359 of 2019

- Shiva Gupta S/o Hariprasad Gupta, Aged About 36 Years, R/o Lallu Dhaba, Kukrel, Police Station Keregoan, District Dhamtari Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Excise Circle Dhamtari, Civil and Revenue District Dhamtari Chhattisgarh.

----Non-applicant

For Applicant – Shri D. Kushwaha, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-09-2019

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 10-09-2019 in connection with Crime No.64/2019 registered at P.S. - Excise Circle Dhamtari, Civil and Revenue District Dhamtari, Chhattisgarh for the offence under Section 34(1)(a), 34(2), 59(a) of the 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 10-09-2019. 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 7.560 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are 3 previous preventive proceedings and three previous cases under the provisions of the Excise Act registered against the applicant. Hence, he is not entitled for grant of bail.

4. In reply learned counsel for the applicant submits that all the previous case against the applicant have been disposed off.

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