

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6381 of 2019

- Naresh Malhotra S/o Shri Banshilal Malhotra, Aged About 29 Years, Occupation Labaur, R/o Village Bhilaidadar, Police Station Komakhan, Tahsil Bagbahra, Civil and Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station Komakhan, District Mahasamund Chhattisgarh.

----Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-10-2019

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 18-09-2019 in connection with Crime No.150/2019 registered at P.S. -Komakhan, District Mahasamund, Chhattisgarh for the offence under Section 34(2) 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 18-09-2019. 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 30 bulk liter illicit liquor has been seized from the possession of the applicant. Also, there are six previous cases registered against the applicant, out of which five cases are of the Excise Act. Hence, he is not entitled for grant of bail.

4. In reply it is submitted by learned counsel for the applicant that out of five cases of the Excise Act the applicant has been acquitted in two cases and

rest of the cases are pending and the applicant was on bail when he was arrested in this case.

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