

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2328 of 2020

- Naresh Patel, S/o Shri Dankadhar Patel, Aged About 34 Years Caste Aghariya, R/o Village Pirda, Tahsil Basna, Police Station Basna, Civil And Revenue District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station, Basna, Civil And Revenue District - Mahasamund Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Sunil Verma, Advocate
For State	:	Shri H.S. Ahluwalia, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/04/2020

Heard.

1. The applicant has been arrested in connection with Crime No.173 of 2020 registered at Police Station- Basna, Civil and Revenue District- Mahasamund (CG), for alleged commission of offence under Section 34 (2) of the C.G. Excise Act 1915.
2. Case of the prosecution, in brief, is that from possession of the applicant, 31.290 bulk litres illicit country made liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The applicant is in jail since 21.4.2020 and looking to the nature of allegation, further custodial interrogation may not be necessary. Therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposed the application. He submits that presently, the investigation is going on and charge sheet has not been filed so far, therefore, at this stage, the applicant may not be released on bail.

5. Taking into consideration that the applicant is in jail since 21.4.2020, the quantity of liquor involved in the case and further considering the submission that custodial interrogation may no longer be necessary, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court, with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge