

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2339 of 2020

Gupesh Mirgha S/o Shri Govind Mirgha Aged About 19 Years Caste Satnami,
R/o Village Salkhand, Tahsil Basna, Police Station Basna, Civil And Revenue
District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Sunil Verma, Advocate
For State	:	Shri H.S. Ahulwalia, Dy. Advocate General

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

Order On Board

01/05/2020

Heard.

1. The applicant has been arrested in connection with Crime No.183 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.
2. Case of the prosecution, in brief, is that the applicant was found in possession of 7 bulk liters of country made liquor without any authority of law.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He submits that at this stage when liquor has already been seized, there may not be further necessity of further interrogation. The applicant is in jail since 23.4.2020, therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the application. He submits that 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 the nature of allegation, quantity of liquor alleged to have been seized from the applicant, the applicant is in jail since 23.4.2020 and that his further custodial interrogation need not 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