

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2491 of 2020**

Madan Sunder Vishvakarma S/o Resham Lal Vishvakarma, aged about 35 years, R/o Marodarha, Thana Sariya, Tehsil Baramkela, District Raigarh C.G.

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, P.S. Sariya, District Raigarh C.G.

---- Non-applicant

 For Applicant : Mr. Manoj Kumar Jaiswal, Advocate
 For Non-applicant/State : Mr. K. K. Singh, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order****11/05/2020**

1. Heard on I.A. No. 3/2020, application for exemption for filing certified copy of the order dated 05/05/2020 of the lower Court.
2. This bail application has been filed through E-mail.
3. For the reasons assigned in the above application, the same is allowed.
4. The applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.48/2020 registered at Police Station Sariya District Raigarh C.G. for the offence punishable under Sections 34(2) & 59(A) of Chhattisgarh Excise Act.
5. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of handmade liquor and Mahua, total 70 bulk litre.
6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicate in the offence. He is in jail since 30/04/2020. Though the investigation is not complete, but further detention of applicant is not necessary for completion of investigation. Therefore, at this stage, looking to the small quantity of liquor alleged to be seized from the possession of applicant, he may be granted regular bail.

7. On the other hand, learned counsel for the State opposes the bail application and submits that as unauthorized liquor was seized from the possession of applicant, a *prima facie* case is made out. Investigation is not complete, therefore, at this stage the bail application may be rejected.
8. Considering the nature of offence, the fact that applicant is in custody from 30/04/2020 and that the offence is triable by a Magistrate, but without commenting anything on the merits of case, I am inclined to release applicant on regular bail.
9. Accordingly, the bail application is allowed. It is directed that on applicant's furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the Court below concerned, he be released on bail for his appearance before the Court below concerned as and when directed. It is made clear that registration of similar nature of case against the applicant in future, would entail automatic cancellation of bail without reference to this Court.
10. I.A. No.2/2020, application for urgent hearing, stands disposed off.
11. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge