

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2492 of 2020

- Duresh Mannade S/o Tiharu Mannade, aged about 22 years, R/o Village Pachari, Thana Patewa, District Mahasamund (CG)

---- Petitioner

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Patewa, District Mahasamund (CG)

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. D.K. Tiwari, Government Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

ORDER

11/05/2020

1. Heard on I.A. No.2 of 2020, application for exemption from filing certified copy of bail rejection order, notarized application and affidavit.
2. This bail application has been filed through e-mail.
3. Considering the reasons assigned in I.A. No.2/2020 and also the undertaking filed by learned counsel along with bail application, I.A. No.2/2020 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.86/2020 registered at Police Station Patewa, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the Excise Act.
5. Case of the prosecution, in brief, is that the applicant has been found in possession of illicit hand-made *Mahua* liquor of 70 bulk litre.
6. Learned counsel for applicant submits that the applicant is

innocent and has been falsely implicate in the offence. He is in jail since 30.4.2020. Though the investigation is not complete, but further detention of applicant is not necessary for completion of investigation. The offence is triable by a Magistrate. Hence, he prayed that the applicant be released on 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, age of applicant i.e. 22 years; the fact that applicant is in custody from 1.5.2020 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 hearing during lock down period, stands disposed off.
11. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-