

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2502 of 2020**

Ganesh @ Ganeshwar Naik S/o Shri Lingraj Aged About 33 Years
R/o Village- Bhalupani, P.S. Dongarpali, Tah. Baramkela, Distt.
Raigarh Civil And Revenue Distt. Raigarh (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through- Police Station- Dongaripali, District
Raigarh, (C.G.).

---- Non-applicant

For Applicant : Mr. Manoj Kumar Sinha, Advocate
For Non-applicant/State : Mr. Sudeep Agrawal, Dy. Advocate General

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

1. The matter is in defaults.
2. The bail application has been filed through E-mail.
3. For the reasons assigned by the learned counsel for the applicant, the defaults as pointed out by the Registry are overruled.
4. Heard on I.A. No. 1/2020, application for exemption for filing certified copy and affidavit.
5. For the reasons assigned in the above application, the same is allowed.
6. 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.09/2020 registered at Police Station Dongaripali, Distt. Raigarh (C.G.), for the offence punishable under Sections 34(2) & 59(A) of Chhattisgarh Excise Act.
7. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of 29 bulk litre liquor.
8. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicate in the offence. He is in jail since 09/03/2020. 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.

9. 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.
10. Considering the nature of offence, the fact that applicant is in custody from 09/03/2020 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.
11. 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.
12. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge