

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2501 of 2020

- Gangadhar Bhoi S/o Padamlochan Aged About 57 Years Cast Sanvara, R/o Village Limgaon, Thana Saraipali And District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Singhoda, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- 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.3 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.3/2020 and also the undertaking filed by learned counsel along with bail application, I.A. No.3/2020 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.26/2020 registered at Police Station Singhoda, 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 liquor of 10 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 1.5.2020. 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, total quantity of liquor alleged to have been seized from possession of applicant, 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/-