

**(2018) 02 CHH CK 0088**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 7915 Of 2017

Santosh Miri

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Feb. 5, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(1)(A), 34(2), 59(A)

**Hon'ble Judges:** Rajendra Chandra Singh Samant, J

**Bench:** Single Bench

**Advocate:** Pallav Mishra, Smita Ghai

**Final Decision:** Allowed

**Judgement**

Rajendra Chandra Singh Samant, J

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 09-11-2017 in connection with Crime No.471/2017 registered at P.S. Lormi, District Mungeli, Chhattisgarh for the offence under Section 34(1)(A), 34(2) & 59(A) of the C.G. Excise Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 09-11-2017. Hence, he may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 7 bulk liter illicit country made raw liquor has been seized from the possession of the applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Considering the submissions made and the contents of the case diary, detention of the applicant till completion of investigation and trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.
6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
7. Certified copy as per rules.