

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 942 of 2016**

Dilip Giri, son of late Johrik Giri, aged about 29 years,
Resident of Suryanagar Camp-2, Bhilai, Tahsil Durg,
Revenue and Civil District Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer, P.S.
Amanaka, Revenue and Civil District Raipur (C.G.)

-----Non-applicant

For Applicant: Mr. C.S. Patel, Advocate.
For Non-applicant/State: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/03/2016**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 236/2015 registered at Police Station Amanaka, Civil and Revenue District – Raipur for the offence punishable under 34 (2) of the Excise Act.

(2) Case of the prosecution, in brief, is that on 15.11.2015 the applicant & other co-accused persons, who were travelling in Innova Car bearing registration No. C.G.07 AR 4042. While they were coming from Bhilai to Raipur were intercepted near Happy Dhaba and at about 172.8 liters of country made liquor was recovered from the vehicle.

(3) Learned counsel appearing for the applicant would submit

that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that similarly situated co-accused person namely Khileshwar Satnami & Khamman Satnami have already been granted bail by this Court vide order dated 8.2.2016 in M.Cr.C. No. 579/2016, and the applicant is in jail since 5.11.2015 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

(4) On the other hand, learned counsel for the State, after verifying the records, would submit that present case is similar to that of accused person , who have already been granted bail by this Court in M.Cr.C. No. 579/2016.

(5) Taking into consideration the facts & circumstances of the case and particularly the fact that similarly situated co-accused have already been granted bail by this Court and the applicant is in jail since 5.11.2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

