

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3524 of 2016

- Ashish Kumar Kashyap S/O Dauva Kashyap Aged About 21 Years
R/O Village - Paijaniya, Thana - Lormi, Rev. Distt. Mungeli, Civil
Distt. Bilaspur Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Stationn House Officer,
Police Station Lormi, District Mungeli Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 16-05-2016 in connection with Crime No. 148 of 2016, registered at Police Station Lormi, District Mungeli (CG) for the offence punishable under Section 34 (1)(A), 34(2), 59 (A) of the Chhattisgarh Excise Act.
2. As per case of the prosecution, on 11-04-2016 on information being received that the applicant along with co-accused was coming on motor cycle bearing registration No. CG-10-R-0922 having illicit possession of 72 bulk liters of liquor, a raid was made and the aforesaid liquor was recovered from the possession of co-accused Ravi Kashyap and present applicant fled away from the spot and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the case and he is in jail

since 16-05-2016. He would further submit that similarly placed other co-accused Ravi Kashyap has been enlarged on bail vide order dated 4-7-2016 passed by this Court in M.Cr.C.No.3235 of 2016, therefore, he may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that similarly placed other co-accused Ravi Kashyap has been enlarged on bail. He would further submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances, charge-sheet in this case has been filed, the applicant is in jail since 16-05-2016 and further considering the fact that similarly placed other co-accused has been enlarged on bail, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju