

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4563 of 2016**

Algar Swami, S/o. Shri Shivakashi, Aged About 43 Years, R/o. Station Road, Narmadapara, Raipur, Tahsil & District Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Ganj, Raipur, Tahsil & District Raipur, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Y.C.Sharma, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**17.08.2016**

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 in connection with Crime No.167/2001 registered at Police Station- Ganj, Raipur (C.G.) for the offence punishable under Section 34(A) of the Excise Act.
2. As per the prosecution case, on 12.04.2001 while the liquor was being unloaded from a vehicle Truck bearing No.MP 04 F 8446 in a Rickshaw, the same was seized and the case was filed. Subsequently, the person namely Pappu Khan was arrested and was enlarged on bail by the trial Court and the case was filed in absence of the present applicant.
3. Learned counsel for the applicant would submit that the applicant was not absconding and there is no criminal antecedents and the person who was actually involved in the crime namely Pappu Khan was enlarged on bail on 28.04.2001 after his arrest on 20.04.2001

after 8 days and the present applicant is in jail since 26.06.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. It appears that the applicant was the owner of the Rickshaw wherein the liquor was being loaded. Considering the fact that the applicant is in jail since 28.06.2016 and the order shows that the main accused Pappu Khan was enlarged on bail on 28.04.2001 after his arrest on 20.04.2001 i.e. after 8 days, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-  
**(Goutam Bhaduri)**  
Judge