

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4780 of 2017**

- Ritesh Agrawal S/o Shri Ghanshyam Das Agrawal, Aged About 29 Years
R/o Village Sheetla Mandir Ke Pass, Muktidham Chauk Sarkanda,
Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Sarkanda, District Bilaspur,
Chhattisgarh.

---- Non-applicant

For Applicant : Shri Varunendra Mishra, Advocate.

For Non-applicant : Mr. Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.11.2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the charge-sheet provided by the learned counsel for the State in connection with crime No. 296/2017 registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Sections 34(2), 59(A) of the C.G. Excise Act.
3. Case of the prosecution, in brief, is that on 26.04.2017 on the information of the informer 315 litres of country made liquor had been seized from the accused Shambhu Yadav. Accused Shambhu Yadav intimated that it has been supplied by the present applicant – Ritesh Agrawal.

4. The accused Shambhu Yadav has already been enlarged on bail by the coordinate Bench of this Court.
5. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 04.06.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE