

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5819 of 2017**

Ajay Kumar Yadav, S/o Shri Sunil Kumar Yadav @ Indradev, aged about-26 years, R/o Village -Sisuva, Police Station-Visbharpur, Civil & Revenue District – Gopalganj (Bihar)

---- Applicant**Versus**

State of Chhattisgarh, Through :the Station House Officer, Police Station – Sarkanda, Civil & Revenue District- Bilaspur (C.G.)

---- Non-applicant

For Applicant : Mr. P.M. Shriwas, Advocate.
For Non-applicant/State : Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/11/2017**

Heard.

(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. 538/2017 registered at Police Station Sarkanda, District Bilaspur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

(2) Case of the prosecution, in brief, is at the instance of petitioner, 168 bulk liters of illicit liquor was seized from the house of co-accused – Pankaj Singh and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he is not the main accused of the crime in question. He would further submit that applicant is in jail

since 5.8.2017 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard the counsel appearing for the parties and perused the case diary.

(6) Considering the totality of the facts, in particular the fact that the applicant is languishing in jail since 5.8.2017; and the charge sheet is yet to be filed but substantial investigation has already been made; and further considering the fact that he is not the main accused in the crime in question; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) 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.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

