

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6043 of 2017**

Ashok Gupta S/o Kameshwar Prasad Gupta, Aged About 35 Years R/o Kusmi, Police Station Kusmi, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Excise Circle Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For the Applicant : Shri Akath Kumar Yadav, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.103 of 2017, registered at Police Station – Kusmi, District – Balrampur - Ramanujganj, Chhattisgarh for the offence punishable under Sections 34(1)(a) and 34(2) of the Chhattisgarh Excise Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.08.2017 and the applicant has been falsely implicated in this case. The case has been investigated and the charge-sheet has been filed. The applicant has no criminal antecedents. As per the allegations of the prosecution case, no case is made out against the applicant and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed

that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the quantity of seized liquor is 22 bulk liters. Hence, for this reason, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the submissions made and the contents of the case diary and the fact that the applicant is in jail since 25.08.2017, the case is already before the trial Court and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

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 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/-

(Rajendra Chandra Singh Samant)
Judge