

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6357 of 2017**

Ritesh Agrawal, aged about 29 years, son of Ghanshyam Das Agrawal, resident of Village-Sheetla Mandir Ke Pass, Muktidham Chauk, Sarkanda, Police Station- Sarkanda, District – Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station – Sarkanda, District Bilaspur (C.G.)

---- Non-applicant

For Applicant : Mr. Varunendra Mishra, Advocate.
For Non-applicant/State : Mr. Aditya Sharma, PL.

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

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.295/2017 registered at Police Station – Sarkanda, District Bilaspur for the offence punishable under Section 34 (2) of the CG Excise Act.

(2) The applicant's first bail application was dismissed as withdrawn with liberty to revive the same after examination of the material prosecution witnesses by this Court in M.Cr.C. No. 4770/2017 decided on 18.8.2017.

(2) Case of the prosecution, in brief, is that 315 bulk liters of illicit

liquor was seized from the possession of the present applicant and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that similarly situated co-accused person namely Avinash Roy @ Monu has already been granted bail by this Court vide order dated 06.10.2017 in M.Cr.C. No. 6297/2017, and the applicant is in jail since 04.06.2017 and, therefore, the present applicant may also be entitled for bail on the ground of parity.

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

(5) Taking into consideration the facts & circumstances of the case and particularly the fact that similarly situated co-accused has already been granted bail by this Court vide order dated 06.10.2017 passed in M.Cr.C. No. 6297/2017; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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

