

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4127 of 2018

- Ramkewal S/o Chetram Aged About 26 Years R/o Village Ganiyari, P. S. Kota, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Excise Circle, Takhatpur, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Rajeev Kumar Dubey, Advocate.

For Non-applicant : Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board12.06.2018

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 case diary provided by the learned counsel for the State in connection with crime No. 11/2018 registered at Police Station – Excise Circle, Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Sections 34(1)(A), 34(2) and 59(A) of the C.G. Excise Act.
3. Case of the prosecution, in brief is that on 25.05.2018 near about 10:50 am in village – Ganiyari 7 bulk liters of country made liquor were seized from the possession of the applicant by the Excise Sub-

Inspector, Takhatpur.

4. The offence is triable by the Judicial Magistrate, First Class, Takhatpur. The applicant is in custody since 25.05.2018.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case, therefore, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedent of similar offence.
7. Looking to these facts and circumstances 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, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.10,000/- 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 he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
V. JUDGE