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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4093 of 2018**

Purushottam Bajaj S/o Late Ram Bajaj, Aged About 21 Years R/o Khal Bada, Nearby Shiv Mandir, Gudhiyari, District Raipur Chhattisgarh. Mob. No. 6261805686, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Gudhiyari, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.D. Kuldeep, Advocate.
For the Respondent/State : Shri Ravindra Agrawal, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.06.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 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.156 of 2018, registered at Police Station Gudhiyari, District – Raipur, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 9.5.2018, Head-Constable – Dinesh Shukla, Police Station Gudhiyari, Raipur seized 5.610 litres of country-made liquor from applicant – Purushottam Bajaj.
4. 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.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.

6. 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 and the applicant is in jail since 9.5.2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C to the present applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.10,000/- alongwith 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Vacation Judge

Nimmi