

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4122 of 2018

Sagar Kumar Sonwani, S/o Anil Kumar Sonwani, aged about 20 years, R/o Village Girhola, P.S. Nandani Nagar, Tahsil Dhamdha, District Durg (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, Durg, C.G. P.S. Nandani Nagar, District Durg (C.G.)
 ---- Non-applicant

For Applicant:	Mr. R.K. Jain, Advocate.
For Non-applicant:	Mr. Ravindra Agrawal, Govt. Advocate.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

12/06/2018

1. This is the first bail application 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.120/2018, registered at Police Station Nandani Nagar, District Durg, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. In brief, the prosecution story is that on 3-5-2018, at about 8 p.m., near Mining Bypass Road, Township Nandani Nagar, Durg, Head Constable Puran Sahu of Police Station Nandani Nagar, seized 5.220 bulk litres of country liquor from the applicant.
4. As per the State counsel, there are no previous antecedents against the applicant.
5. The applicant is in custody since 3-5-2018 and charge-sheet has been filed.
6. Learned counsel for the applicant submits that the applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.
8. 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 the benefit of Section 439 of the CrPC to the present applicant.
9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.15,000/- 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 a.m. as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

Sd/-
(Sharad Kumar Gupta)
Vacation Judge