

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4221 of 2018**

1. Chandan Gupta, aged about 39 years, S/o Ramdayal Gupta.

2. Suraj Gutpa, S/o Chandan Gupta.

Both are resident of Village Khaaspara, Dhaniyalur, P.S. Parpa, District Bastar (CG).

**---- Applicants****Versus**

State of Chhattisgarh, through P.S. Bodhghaat, District Jagdalpur (CG).

**---- Non-applicant**


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For Applicants : Ms. Arpana Singh, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****21.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.

2. Perused the case diary provided by the counsel for the State in connection with crime No.147/2018 registered at Police Station Bodhghaat, District Bastar for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief is that on 19.05.2018 at about 3:30 pm at Nayapara, Aadawaal District Bastar, 54 bulk liters of foreign liquor were seized from the possession of the applicant No.1-Chandan Gupta and

45 bulk liters of foreign liquor from the possession of the applicant No.2-Suraj Gupta by the Excise Sub-Inspector Syeed Akhtar.

4. The applicants are in custody since 19.05.2018.
5. Counsel for the applicants submits that the applicants have not committed any offence, they are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that one excise case has already been registered against applicant No.1-Chandan Gupta, therefore they are not entitled for grant of bail.
7. I have heard counsel for the parties and perused the case diary with utmost circumspection.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, charge-sheet has already been filed and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicants.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant No.1-Chandan Gupta furnishes two solvent sureties for a sum of Rs.20,000/- each along with a personal bond in the sum of Rs.40,000/- to the satisfaction of the concerned Trial Court and applicant No.2 -Suraj Gupta furnishes one solvent surety for a sum of Rs.20,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-

operate during the trial, they shall be released on bail.

11. Certified copy as per rules.

**Sd/-**

L/-

(Sharad Kumar Gupta)  
**JUDGE**