

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5886 of 2018**

1. Sumer Kumar @ Vittal Koshley, S/o Hera Koshley, aged about 22 years.
2. Ashwani @ Sunny Kurrey, aged about 25 years, S/o Gopal Kurrey.

Both are resident of Village Indira Colony, P.S. Baloda Bazar, District Baloda Bazar Bhatapara.

---- Applicants**Versus**

State of Chhattisgarh, through S.H.O. Police Station City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara (CG).

---- Non-applicant

For Applicants : Mr. Hemant Gupta, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.09.2018**

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.379/2018 registered at Police Station City Kotwali, Baloda Bazar, Revenue & Civil Baloda Bazar Bhatapara for the offence punishable under Section 34(2) of Excise Act.
3. Case of the prosecution, in brief is that on 18.07.2018 & 24.07.2018 respectively, 17.595 bulk liters of country made liquor were seized from the possession of the applicants.
4. 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.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. He submits that no criminal antecedents is reported against the applicants in police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
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; 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.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicants furnishes one solvent surety for a sum of Rs.25,000/- each 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-