NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5860 of 2018

- Sumeriram Gayakwad S/o Late Buduram Gayakwad Aged About 55 Years Caste Satnami, R/o Village Dhursa, Police Station Panduka Tahsil Rajim District Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Panduka District Gariyaband Chhattisgarh

---- Non-applicant

For Applicant : Shri Abhishek Sharma, Advocate

For Non-applicant : Shri Sumit Jhanwar, 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 applicant before this Court and no other bail application is pending before any other Court.

2. The applicant has been arrested in connection with crime No. 118/2018 registered at Police Station – Panduka, District – Gariyaband (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.

3. Case of the prosecution, in brief is that on 29.07.2018, 5.40 bulk liters country made liquor has been seized from the applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He further submits that two cases have been registered against the applicant; one was u/s 107/116 of the Cr.P.C. and another was under the Excise Act .

6. Looking to the above facts and circumstances of the case, the application is allowed. It is directed that if the applicant furnishes two solvent sureties each for a sum of Rs.25,000/- along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve himself in any of the crime in future, he be released on bail.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

kishore