

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6159 of 2018

1. Janelal S/o Banashram Pardhi Aged About 55 Years R/o- Village Bahera (Kushmi), Police Station And District- Bemetara, Chhattisgarh.
2. Sanjay S/o Janelal Pardhi Aged About 30 Years R/o- Village Bahera (Kushmi), Police Station And District- Bemetara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through- District Magistrate Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicants : Shri Nitesh Shrivastava on behalf of Shri K.P. Gupta, Advocates.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board10.09.2018

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. The applicants have been arrested in connection with crime No. 393/2018 registered at Police Station – Bemetara District – Bemetara (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 01.08.2018, 5.460 bulk liters foreign liquor has been seized from joint possession of the applicants.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He further submits that 10 cases have been registered against the applicant No.1 applicant Janelal ; out of which six are under the preventive sections and four are under the Excise Act. Against applicant No.2 there is no antecedent.
6. Looking to the above facts and circumstances of the case, looking to the criminal background of the applicant No.1, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to applicant No.1 Janelal, thus his bail application is rejected.
7. Looking to the above facts and circumstances of the case, the bail application of applicant No.2 Sanjay is allowed. It is directed that if the applicant No.1 furnishes one solvent surety for a sum of Rs.20,000/- along with a personal bond of Rs. 20,000/- to the satisfaction of the concerned Trial Court, he be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE