

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6618 of 2018**

1. Purushottam @ Puru Kousal, S/o Chandaram, aged about 35 years, R/o village Pased, Out Post Karhi Bazar, Thana Baloda Bazar, District Baloda Bazar Bhatapara (CG).
2. Bholaram Kashyap, S/o Dauram Aged about 38 years, R/o Village Bartori, Thana Bilha, District Bilaspur (CG)

---- Applicants**Versus**

State of Chhattisgarh, through the Police Out Post Karhi Bazar, Thana City Kotwali Baloda Bazar, District Baloda Bazar-Bhatapara (CG).

---- Non-applicant

For Applicants : Mr. Deepak Jain, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.491/2018 registered in Police Station Out Post Karhi Bazar Thana City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and Section 83(2) of Juvenile Justice (Care and Protection of Children) Act, 2015.
3. Prosecution story in brief is that on 17.08.2018, 9.00 bulk liters country made liquor has been seized from the applicants.
4. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated in the present case hence they may be

released on bail.

5. On the other hand, counsel for the State opposed the bail application. He further submitted that four criminal cases, out of which, two cases under Sections 107 & 116 of CrPC, one case under Section 394 of IPC and one case under Section 34(A) of the Chhattisgarh Excise Act has been registered against the applicant No.1-Purushottam @ Puru Kousal and no criminal antecedents is reported against the applicant No.2-Bholaram Kashyap in police case diary.

6. At this stage, counsel for the applicants further submitted that applicant No.1 has already been acquitted from the cases, which was registered against him under Section 394 of IPC and Section 34(A) of the Chhattisgarh Excise Act, hence, applicant No.1 may be released on bail.

7. Looking to this facts that four criminal cases have already been registered against the applicant No.1-Purushottam @ Puru Kousal therefore, this Court is not inclined to give benefits of Section 439 of CrPC to him. Accordingly, the application is rejected.

8. Looking to the facts and circumstances of the case in respect of applicant No.2-Bholaram Kashyap, the application is allowed. It is directed that if the applicant No.2 furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Trial Court, he be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE