

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7491 of 2018**

Rupendra @ Guddan Kurre, S/o Shri Rajkumar, Aged About 29 Years, Caste Satnami, R/o Village Kunwa Ward No.2, Police Station Chakarbhata, District - Bilaspur, Chhattisgarh.

---- Applicant

**Versus**

State of Chhattisgarh, Through The Excise Circle Bilha, District - Bilaspur, Chhattisgarh.

---- Non-Applicant

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| For Applicant           | : Ms. S. Harshita appears on behalf of Mr. Amit Kumar Chaki, Advocate. |
| For Non-Applicant/State | : Mr. Ravindra Agrawal, G. A.                                          |

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**Hon'ble Shri Justice Sanjay Agrawal****Order On Board****11.10.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail, as the applicant has been arrested on 20.09.2018 in connection with Crime No. 44/2018, registered in Police Station Excise Circle Bilha, District Bilaspur (C.G.) for the offence punishable under Section 34(1)(a), 34(2) & 59-A of the Chhattisgarh Excise Act, 1915.
2. The case of the prosecution, is that on the basis of secret

information, the patrolling team of Excise Circle, Bilha (C.G.), has raid at the place of incident and the said patrolling team has seized the Pulsar Motorcycle bearing Registration No. CG-10-AG-8982 and also 10 bulk litres country made liquor from the possession of the applicant. Based upon it, the offence as mentioned herein above has been registered, while arresting the applicant on 20.09.2018.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the aforesaid crime. She submits further that as the applicant is in jail since 20.09.2018, therefore, he may be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application and submits that the offence is serious in nature and charge sheet is yet to be filed, therefore, the application as framed deserves to be rejected.
5. I have heard learned counsel for the parties and perused the entire case diary carefully.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of the seized liquor is 10 bulk litres and the applicant is in jail since 20.09.2018, I am inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the concerned trial

Court. He is directed to appear before the concerned trial Court on each and every date as and when directed by the concerned trial Court.

8. It is made clear that I have not entered into the merits of the case and the trial Court shall not be influenced by any of the observations of mine, while allowing this bail application.

Sd/-  
**(Sanjay Agrawal)**  
Judge

Deepti Jha