

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9158 of 2018**

1. Ravishankar Rathore, S/o late Ghasiram Rathore, aged about 43 years.
 2. Vijay Kumar Rathore, S/o late Ghasiram Rathore, aged about 60 years.
- Both are resident of village Putpura, Police Station & Tahsil Janjgir District Janjgir Champa (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Police Station Janjgir through District Magistrate Janjgir, District Janjgir Champa. **---- Non-applicant**

For Applicants	: Mr. Vivek Singhal, Advocate.
For Non-applicant	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

28.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no other bail applications are pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.698/2018 registered at Police Station Janjgir, District Janjgir Champa for the offence punishable under Sections 34(2), 59(A) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief is that on 08.11.2018, 10.620 bulk liters of country made liquor was seized from the possession of the applicant No.2-Vijay Kumar Rathore. Applicant No.1-Ravishankar Rathore was accompanied to Applicant No.2-Vijay Kumar Rathore. One motorcycle has been seized from Applicant No.1-Ravishankar Rathore.
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 further submits that no criminal antecedent reported against the Applicant No.1-Ravishankar Rathore in police case diary and one case under of CrPC has already been registered against the Applicant No.2-Vijay Kumar Rathore.

6. 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. Accordingly, the bail application is allowed.
7. It is directed that if the applicant No.1- Ravishankar Rathore furnishes one solvent sureties for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial , he shall be released on bail.
8. It is directed that if the applicant No.2-Vijay Kumar Rathore furnishes two solvent sureties each for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he will not involve any crime in future.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-