

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9457 of 2018**

- Bala Prasad Choudhari S/o Guljar Prasad Choudhari Aged About 39 Years R/o Bajajpra Pendra Tahsil -Pendra , District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer ,police Station Pendra ,district Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

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| For Applicant     | : Shri Yogendra Chaturvedi, Advocate |
| For Non-applicant | : Shri Ramakant Pandey, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**
**12.12.2018**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 407/2018 registered at Police Station – Pendra, district Bilaspur (C.G.) for the offence punishable under Section 34(2), 59(A) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief is that on 16.11.2018, 7.560 bulk liters foreign liquor has been seized from the applicant.
4. Counsel for the applicant submits that only two other criminal cases have been registered against the applicant under Cr.P.C.
5. Govt. Advocate opposes the bail petition. He further submits that this is true that only two criminal cases under Cr.P.C. have been registered against the applicant. The name of the brother of the applicant is Bali Prasad Choudhari. The name of the applicant is Bala Prasad Choudhari. Three criminal cases under Cr.P.C. have been registered against brother of the applicant i.e. Bali Prasad Choudhari. Due to mistake earlier it was wrongly informed that five criminal cases under Cr.P.C. have been registered against applicant.
6. Now, it is clear that only two other criminal cases under Cr.P.C. have been registered against the applicant. Earlier bail petition was rejected considering this fact that five other criminal cases have been registered against the applicant.
7. Looking to this changed circumstances, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant in second round.
8. Consequently, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court, with this condition that he will not involve in any crime in future, he be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)  
**JUDGE**