

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 304 of 2019**

1. Mahesh Kumar Chakradhari @ Lalli S/o Shri Ramsharan Chakradhari Aged About 39 Years R/o Village Siliyari, P. S. Dharsinva, District Revenue And Civil Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Radheshyam Yadav S/o Punnuram Yadav Aged About 30 Years R/o Village Siliyari, P. S. Dharsinva, District Revenue And Civil Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dharsinva, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Yogesh Pandey, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.533/2018 registered in Police Station Dharsinva, District Raipur (C.G.) for the offence punishable under Section 34(2) of CG Excise Act.
3. Argument heard.
4. Case of the prosecution, in brief is that on 16/12/2018, 5.760 bulk liters of country liquor has been seized from the possession of the applicants.
5. Counsel for the State submits that five other criminal cases have been registered against the applicant No. 1 Mahesh Kumar Chakradhari @ Lalli, out of which four under Excise Act, one under IPC. No criminal antecedent against the applicant No. 2 Radheshyam Yadav.
6. Looking to the above facts and circumstances of the case, looking to the facts that five other criminal cases have been registered against the applicant No. 1 Mahesh Kumar Chakradhari @ Lalli, this Court is not inclined to give the benefit under Section 439 of CrPC. Accordingly, his bail application is rejected. However, it is further ordered that if the applicant No. 2 **Radheshyam Yadav** furnishes one solvent surety for a sum of Rs.

25,000/- along with one personal bond of Rs. 25,000/- to the satisfaction of the trial Court concerned, he be released on bail.

7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde