

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.471 of 2019**

1. Aranya Gond, S/o Shri Dhanesh Gond, aged about 42 years.
 2. Sonsingh Dhruv, S/o Shri Sirakh Dhruv, aged about 48 years.
- Both are resident of village Basuladabari, P.S. Komakhan, Tahsil Bagbahra, Civil & Revenue District Mahasamund (CG).

---- Applicants**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Komakhan, District Mahasamund (CG).

---- Non-applicant

For Applicants : Mr. Sunil Sahu, Advocate.
 For Non-applicant : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.03/2019 registered in Police Station Komakhan, District Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Prosecution story in brief is that on 06.01.2019, 14.00 bulk liters country made liquor has been seized from the applicants.
4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail. He further submitted that one case under Excise Act has already been registered against the applicant No.1-Aranya Gond and no criminal antecedent is reported against the applicant No.-2 Sonsingh Dhruv in police case diary.
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 benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail application is allowed.
7. It is directed that if the Applicant No.1-Aranya Gond furnishes two solvent sureties for a sum of Rs.25,000/- each 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 commit any such type of offence in future.

8. It is directed that if the Applicant No.2-Sonsingh Dhruv furnishes one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-