

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4183 of 2019

Aashish Masih, son of Elimilek, aged about 28 years, Resident of village Vishrampur, Thana Simga, District Balodabazar Bhatapara (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Simga, District Balodabazar Bhatapara (CG).

---- Non-applicant

For Applicant	: Ms. Supriya Upasane, Advocate.
For Non-applicant	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.07.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.193/2019 registered at Police Station Simga, Balodabazar Bhatapara for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief is that on 11.06.2019, 6.120 bulk liters country made liquor was seized from the possession of co-accused Suresh Kumar Das. The applicant was accompanied to co-accused Suresh Kumar Das.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely

implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, she submits that no criminal antecedent is reported against the applicant in police case diary.

6. Earlier, this Court has granted bail to co-accused Suresh Kumar Das on 24.06.2019 passed in M.Cr.C. No.4046/2019. The case of the applicant is less severer than the case of co-accused Suresh Kumar Das, who was enlarged on bail by this Court.

7. Looking to the above mentioned 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 applicant. Accordingly, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety 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.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-