

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5206 of 2019**

- Rocky @ Rakesh Bablani, S/o Manoj @ Mansukh Bablani, Aged About 29 Years R/o Near Telibandha Shamshan Ghat, Dabripur , Ward No. 44, P S Telibandha, District-Raipur, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through P.S. Telibandha, District-Raipur, Chhattisgarh.

**---- Respondent**

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| For Applicant  | : | Mr. L.K. Mishra, Advocate.         |
| For Respondent | : | Mr. Priyanshu Gupta, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**30/08/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.202/2019 registered at Police Station–Telibandha, District– Raipur(C.G.) for the offence punishable under Sections 34(2) of Excise Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 13.04.2019. No case is made out against the applicant and the case is pending for trial against him, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has 18 previous criminal prosecution against him, out of which in 4 cases he was prosecuted for offence under Excise Act, therefore, he is not entitled for grant of regular bail.
4. In reply, it is submitted that 12 previous cases have been disposed off and only 6 cases are remaining pending against the applicant. Further the applicant is on bail for pending previous cases against him.
5. Heard both the parties and perused the case diary.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.760 bulk liters; offence is triable by the JMFC and the applicant is in jail since 13.4.2019, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge