

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9754 of 2018

- Keshari @ Kesharu S/o Late Shri Ramcharan Aged About 63 Years
R/o Village Gujra, Thana Bhakhara, Tahsil, Civil And Revenue District
Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police
Station Bhakhara, District Dhamtari Chhattisgarh, District : Dhamtari,
Chhattisgarh

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For State/respondent	: Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/01/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.17/2018 registered at Police-Station-Bhakhara, District-Dhamtari(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. No seizure was made from the possession of this applicant. Similarly placed co-accused person has been granted

bail by this Court, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has been prosecuted in 40 case out of which he was earlier prosecuted in 10 cases under the provisions of C.G. Excise Act, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against this applicant is this, that 5.580 bulk liter foreign liquor was seized from the possession of co-accused Gayatri Bai, who happens to be the wife of this applicant. Hence, this case.
6. After due consideration on the entire material present in the case diary and this fact that the co-accused person has been granted regular bail by this Court, for this reason, I am of the view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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