

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4925 of 2020**

- Amit Kumar Gupta S/o Late Jageshwar Gupta aged about 38 years, R/o Satbarva, Police Station Daltanganj, District-Palamu, Jharkhand. At present R/o Ward No. 6 Nayapara, mahasamund, P.S., Tahsil and District-Mahasamund, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh, Through – Police Station Mahasamund, District-Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shubhank Tiwari, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 322/2020 registered at Police Station Mahasamund, District-Mahasamund (C.G.) for the offence punishable under Section 63 of Copyright Act, 1957.
2. The prosecution story in brief, is that police received a secret information by the informant and a raid was conducted near Tumgaon Road, Bemcha, where 500 fake Caps of the Goa Whiskey were seized from the possession of the applicant in which it was written as Chhattisgarh Distillery Limited CSBC. It is also alleged that the applicant was not having the document related to possession of the said liquor. Based on this offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is in jail since

08.07.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the offence committed by the applicant is serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 08.07.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**