

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6149 of 2020**

- Ramtilak @ Bhukhan Agrawal S/o Late Shri Mahaveer Agrawal Aged About 35 Years R/o Village Shikaripali, Police Station Tendukona, District Mahasamund Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bagbahra, District Mahasamund Chhattisgarh. **---- Respondent**

For Applicant	:	Mr. Sunil Sahu, Advocate.
For State	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****2-12-2020**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 20-8-2020 in connection with Crime No. 46 of 2020 registered in Police Station-Bagbahara, District Mahasamund (CG) for the offence punishable under Section 34(2) CG Excise Act.
2. The case of the prosecution is that 345 bulk liters of illicit liquor was seized from the joint possession of the applicant and other co-accused persons.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant was not involved in the alleged offence and when he was arrested in connection with Crime No. 11 of 2020 by the Police of Police Station Tendukona on

290-8-2020, Bagbahra Police roped him in the present crime. He also submits that the name of the present applicant does not find place in the FIR. He further submits that there is no evidence on record to show that the applicant was in possession of the said liquor. No seizure was made from the applicant and the said liquor was seized from the open place near the Jhalap road from the co-accused. He would further submit that the case is triable by the Judicial Magistrate First Class, charge-sheet has been filed, the applicant is languishing in jail since 20-8-2020 and conclusion of the trial is likely to take some time. He further submits that the case of the present applicant is similar to the case of co-accused Rakku @ Rukkudin who has already been granted bail by order dated 29-5-2020 passed by the co-ordinate bench of this court in M.Cr.C.No.2576 of 2020 on the ground that his name was not mentioned in the FIR. Therefore, the present applicant may also be granted bail on the same ground.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Perusal of the record would show that though the name of the present applicant was mentioned in the FIR, but no seizure was made by the Police from the applicant and he was not present at the time of incident and as per evidence he was

seen fleeing away from the spot.

7. Considering the facts and circumstances of the case, further considering the fact that though the name the present applicant was mentioned in the FIR, but no seizure was made from him and further considering the detention period of the applicant and the fact that conclusion of the trial may take some time, charge-sheet has been filed and similarly situated co-accused Rakku @ Rakkudin has already been granted bail by co-ordinate Bench of this Court, I am of the opinion that present is a fit case to enlarge the applicant on bail.
8. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with one surety for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
9. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

Raju