

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7481 of 2019**

- Chandraprakash Pushpakar, S/o - Shri Chandrashekhar Pushpakar, Aged About 24 Years, R/o - Village Gadsivni, Police Station- Tumbao, Tahsil & District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station- Tumbao, Tahsil Civil & Revenue District & District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jameel Akhtar Lohani, Adv.
For Respondent/State	: Mr. Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09.01.2020**

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. 191/2019 registered at Police Station Tumbao, Tahsil Civil & Revenue District & District - Mahasamund (C.G.) for the offence punishable under Sections 406, 468 of I.P.C.
2. The prosecution story, in brief is that, it has been alleged that during the period between 01.04.2019 to 30.09.2019, Govt. Excise Sale shop-Achola was given to 'Eagle Hunter Solutions Pvt. Ltd.' man power agency by C.G. State Co-operative Ltd. Raipur and thereafter the shop was handed over to new placement company named 'Aleart Commondoes Pvt. Ltd.' On 23.10.2019, upon physical verification done by Excise S.I. found shortage of liquor quantity worth Rs. 2,54,64,480/-. Thereafter, offence has been registered against the present 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 applicant is a peon and only Rs. 4,000/- was recovered from the possession of him. The applicant is in jail since 25.10.2019, 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.
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, and further considering the facts that applicant is simply a peon and he is not a main accused. The applicant is in jail since 25.10.2019 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. 25,000/-, 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**