
(2018) 06 CHH CK 0018

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 4088 Of 2018

M. Var Prasad

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 12-06-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Chhattisgarh Excise Act, 1915 — Section 34(2)

Citation : (2018) 06 CHH CK 0018

Hon'ble Judges : Sharad Kumar Gupta, J

Bench : Single Bench

Advocate : Sunil Sahu, Ravindra Agrawal

Final Decision : Allowed

Judgement

Sharad Kumar Gupta, J

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.

2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.23/2018 (wrongly mentioned as 123/2018 in the bail order of the lower Court and in the memo of appeal) registered at Police Station Excise Circle Dongargarh, Distt. Rajnandgaon (Chhattisgarh) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Case of the prosecution, in brief, is that on 27.5.2018 at about 15.00 hours, Excise Sub Inspector, Dongargarh conducted test purchase at country liquor shop of Mudipar and found that applicant M. Var Prasad, Security Guard along with Sales Man Rakesh Verma and Supervisor Jageshwar had sold 9.00 bulk liters of country liquor exceeding the limit of 5 liters and exceeding the fixed price.

4. Learned counsel for the applicant submits that the applicant is innocent and

has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to these circumstances and other facts of the case, offence is triable by Judicial Magistrate First Class, looking to the fact that there is no likelihood of the accused/applicant to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 27.5.2018, this Court is inclined to give benefit of Section 439 of the CrPC to the present applicant.

7. Consequently, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.10,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11.00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

Certified copy as per rules.