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**(2018) 06 CHH CK 0023**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 4045 Of 2018

Chandan Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** June 12, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(2), 59(d)

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** Keshav Nande, Anil S. Pandey

**Final Decision:** Allowed

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**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 charge-sheet provided by the learned counsel for the State in connection with crime No. 155/2018 registered at Police Station -

Masturi, District - Bilaspur (C.G.) for the offence punishable under Sections 34 (2), 59 ( d) of the C.G. Excise Act.

3. Case of the prosecution, in brief, is that on 29.04.2018, Head Constable Bhuvan Baghel, P.S.Masturi had seized 7 litres of country made liquor from the applicant ahead Chhattisgarh Dhaba.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case. The applicant has no criminal

antecedent and it is submitted that charge sheet has been filed. Therefore, the applicant 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, looking to the fact that there is no likelihood of the accused to abscond and tamper the

evidence, the trial will take its own time, charge sheet has been filed, applicant is in custody since 29/04/2018, this Court is inclined to give benefit of

Section 439 of the Cr.P.C. 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.20,000/- 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.

9. Certified copy as per rules.