

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6024 of 2018

Faggu Kol, S/o Sahoran Kol, aged about 50 years, Caste – Kol (Adivasi), R/o Purani Basti (Kolanpara), Pendra, P.S. and Tehsil – Pendra, District – Bilaspur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station – Pendra, District - Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Abhishek Pandey, Advocate.
For Respondent/State	: Shri Bhaskar Pyashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 267/2018, registered at Police Station Pendra, District – Bilaspur (C.G.) for the offence punishable under Sections 34(2) and 59(A) of the C.G. Excise Act.
2. As per the prosecution story, on the basis of information received from the informant on 31.07.2018, Police parties raided and searched the house of the applicant and seized 6.5 bulk litres of country made liquor from the possession of the applicant. The applicant was arrested on 31.07.2018.
3. Shri Abhishek Pandey, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that the seized liquor was only 6.5 bulk litres and there is no criminal antecedent of the applicant. He further submits that the applicant is in custody since

31-07-2018 and trial will likely to take some more time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, further considering the quantity of seized liquor, detention period of the applicant and the fact that the applicant is in custody since 31.07.2018 charge sheet has not been filed yet, therefore, trial will likely to take some more time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge