

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6264 of 2018**

Kanhaiya, S/o Mangluram, Aged About 70 Years, Caste- Satnami, R/o- Village- Singhra, Police Station and Tahsil- Malkhroda, District- Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through- The District Magistrate, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri C.P. Lahrey, Advocate.
For Respondent/State	:	Shri Vaibhav Goverdhan, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/09/2018

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. 407/2018, registered at Police Station District Flying Squad, Janjgir-Champa (C.G.) for the offence punishable under Sections 34(1)(a), 34(2) and 59 (a) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on the basis of information received from the informant on 02.08.2018, Officials of Flying Squad Janjgir-Champa searched the applicant and seized 10 bulk litres of country made liquor from the possession of the accused/applicant. He has been arrested on 02.08.2018.
3. Shri C.P. Lahrey, 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 10 bulk litres and there is no criminal antecedent of the applicant. He further submits that the applicant is in custody since 02-08-2018 and trial will 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.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is aged about 70 years and he is in custody since 02.08.2018, charge-sheet has not been filed yet, therefore, trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 20,000/- 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