

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6493 of 2018**

Dwarika Vaishnaw, S/o Sahettar Vaishnaw, Aged About 24 Years, R/o- Village-Kamrid, Police Station- Pamgarh, District : Janjgir-Champa, Chhattisgarh

**---- Applicant****Versus**

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

**---- Respondent**

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| For Applicant        | : | Shri Dharmesh Shrivastava, Advocate. |
| For Respondent/State | : | Shri Bhaskar Payashi, Panel Lawyer.  |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**17/09/2018**

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. 218/2018, registered at Police Station-Pamgarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on the basis of information received from the informant on 17.08.2018, the police party searched the applicant and seized 5 bulk litres of country made liquor from the possession of the accused/applicant. The offence has been registered and applicant has been arrested on 17.08.2018.
3. Shri Dharmesh Shrivastava, 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 5 bulk litres and there is no criminal antecedent of the applicant. He further submits that the applicant is in custody since 17.08.2018 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 in custody since 17.08.2018, charge-sheet has not been filed yet, therefore, trial will likely to take some time, without further commenting on merit 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**