

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6494 of 2018

Nakul Sahu S/o Shri Chandrika Prasad Sahu Aged About 28 Years R/o Village Julum, Police Station Mujgahan, District : Raipur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Mujgahan, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sunita Sahu, Advocate.
For Respondent/State	:	Shri Bhaskar Payashi, Panel Lawyer.

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. 124/2018, registered at Police Station- Mujgahan, District – Raipur (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 15.08.2018, the police party raided and searched the applicant and seized total 5.875 bulk litres of country made liquor from the possession of the accused/applicant. The offence has been registered and the applicant has been arrested on 15.08.2018.
3. Ms. Sunita Sahu, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. She further submits that there are four criminal antecedent of the applicant of the same nature and there is only 5.875 bulk litres of country made liquor. She further submits that the applicant is in custody since 15.08.2018 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 15.08.2018, 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. 50,000/- with two local sureties each of Rs. 25,000/- to the satisfaction of the trial Court for his appearance before the said Court as and when directed.
9. In case, any crime of same nature is registered against the applicant in future, the instant bail order shall automatically be dismissed without further reference to this Bench.

**Sd/-
(Arvind Singh Chandel)
Judge**