

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6561 of 2018**

1. Dinesh Khare, S/o Ramcharan Khare, Aged About 39 Years,
2. Rajpal Yadav, S/o Makhanlal Yadav, Aged About 37 Years,

Both are R/o Kekti, Police Station Takhatpur, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Torwa, District Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Nitansh Kumar Jaiswal, Advocate.
For Respondent/State	:	Shri S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/09/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 350/2018, registered at Police Station Kota, District – Bilaspur (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 19.08.2018, during patrolling Police party searched the applicants and seized 5.760 bulk litres of country made liquor from the possession of both the accused/applicants. They have been arrested on 19.08.2018.
3. Shri Nitansh Kumar Jaiswal, learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they have been falsely implicated in the present case. He further submits that the seized liquor was only 5.760 bulk litres from their joint possession and there is no criminal antecedent of the applicants. He further submits

that the applicants are in custody since 19.08.2018 and trial will likely to take some more time, therefore, they 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 applicants are in custody since 19.08.2018, 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 them 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/- (each) with one surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge