

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6655 of 2018**

1. Ghanaram, S/o Jeevan Lal Sahu, Aged About 32 Years,
2. Vishnu, S/o Shakram Kaushal, Aged About 21 Years,
3. Radheshyam, S/o Ramlal, Aged About 41 Years,

All are R/o- Village- Singarpur, Thana- Bhatapara Rural, District- Baloda Bazar- Bhatapara, Chhattisgarh.,

---- Applicants**Versus**

The State of Chhattisgarh, Through- Police Station- Bhatapara Rural, District- Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicants	: Shri Anil Gulati, Advocate.
For Respondent/State	: Shri Vaibhav A. Goverdhan, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/09/2018

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. 283/2018, registered at Police Station Bhatapara Rural, District – Baloda-Bazar, Bhatapara (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Learned counsel appearing for the applicants submits that he wants to withdraw the instant bail application in respect of applicant No. 1 Ghanaram. He presses this bail application only in respect of the applicants No.2 and 3. In view of the above submission, the instant bail application is dismissed as withdrawn in respect of applicant No.1.
3. As per the prosecution story on 27.08.2018, on the basis of secret information received from the informant police party searched the motor cycle in which all the applicants were sitting and from the

possession of the applicant No.1 Ghanaram, 9 bulk litres of country made liquor has been seized and applicant No.2 was driving the said motor cycle. All the applicants were arrested on 27.08.2018.

4. Shri Anil Gulati, learned counsel appearing on behalf of the Applicants submits that applicant No.2 and 3 are innocent and they have been falsely implicated in the present case. He further submits that there is no criminal antecedent of the applicants. He further submits that the applicants are in custody since 27.08.2018 and trial will take some more time, therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the quantity of seized liquor, detention period of the applicants and the fact that the applicants are in custody since 27.08.2018, the charge sheet has not been filed yet and therefore, trial will likely to take some more time, thus without further commenting on merit of the case, I am inclined to release the applicant No.2 Vishnu and applicant No.3 Radheshyam, on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant No.2 Vishnu and applicant No.3 Radheshyam shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- to 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