

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6657 of 2018**

- Mahesh Sarathi S/o Late Radheshyam Sarathi, aged about 50 Years R/o Chandi Mandire, Mathpara, Durg, Tahsil And District- Durg, Chhattisgarh.,

---- Applicant**Versus**

- State of Chhattisgarh Through The District Magistrate, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Tarun Dadsena, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/10/2018

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. 660/2018, registered at Police Station – Durg, District- Durg, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 22.08.2018, on the basis of information received from an informant, police personnels searched the Applicant and total 5.580 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 22.08.2018.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that previously the Applicant has two criminal antecedents of Excise Act, he is in custody since 22.08.2018 and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution that he is in custody since 22.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent 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