

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6662 of 2018**

Devkumar Bariha, S/o Shri Ganeshram, Aged About 36 Years, R/o Village Ghunchapali, Thana And Tahsil Bagbahra, Civil and Revenue District Mahasamund, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through The Station House Officer, Police Station Bagbahra, Civil And Revenue District - Mahasamund, Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/09/2018

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. 165/2018, registered at Police Station Bagbahra, District – Mahasamund (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 10.08.2018, applicant was kept liquor for the purpose of selling and when Police party made a search he fled away from the spot and 15.300 bulk litres of country made liquor has been seized from the spot. The applicant has been arrested on 26.08.2018.
3. Shri Sunil Sahu, 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 only 15.300 bulk litres and there is no criminal antecedent of the applicant. He further submits that the applicant is in custody since 26.08.2018 and trial will likely to 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 26.08.2018, charge-sheet has not been filed yet, therefore, trial will likely to take some time, without further commenting on merits 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