

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7264 of 2018

- Sampat Kumar, S/o Shri Lal Sai Chandra Aged About 28 Years R/o Village Bhothiya Police Station Jaijaipur Civil And Revenue District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Jaijaipur (Wrongly Mentioned Through The District Magistrate Janjgir) Civil And Revenue District Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicant : Shri Paras Mani Shrivastava, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/10/2018

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. 155/2018, registered at Police Station – Jaijaipur, District- Janjgir-Champa, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 04.09.2018, on the basis of information received from an informant, police personnels searched the house of the Applicant and total 32 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 04.09.2018.
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 the Applicant has already two criminal antecedents of Excise Act, he is in custody since 04.09.2018 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 04.09.2018 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