

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8505 of 2018

- Mahendra Agrawal S/o Rajendra Agrawal, aged about 49 Years R/o Village Tendukona, Thana Tendukona, Tahsil Bagbahara, District Mahasamund, Chhattisgarh.
- Meghraj Diwan S/o Chaturbhuj Diwan, aged about 21 Years R/o Village Tendukona, Thana Tendukona, Tahsil Bagbahara, District Mahasamund, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Tendukona, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Vikash Pradhan, Advocate
For Respondent/State	:	Shri R.K. Jaiswal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

12/11/2018

1. Heard.
2. Learned Counsel for the Applicants submits that he does not want to press the application for Applicant No. 01. Thus, this bail application which relates to Applicant No. 01 namely Mahendra Agrawal is dismissed.
3. The Applicant No. 02 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. 103/2018, registered at Police Station – Tendukona, District- Dhamtari, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
4. As per the prosecution story, on 13.10.2018, on the basis of

information received from an informant, police personnel searched the Applicants and total 5.550 bulk litres of country-made liquor have been seized from the joint possession and they have been arrested on 13.10.2018.

5. Learned Counsel appearing on behalf of the Applicants submits that the Applicant No. 02 is innocent and has been falsely implicated in the case. He further submits that the Applicant No. 02 has no criminal antecedent, he is in custody since 13.10.2018 and trial will take some time. Therefore, he may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant No. 02 has no criminal antecedent, he is in custody since 13.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
9. Accordingly, the bail application is allowed against Applicant No. 02.
10. It is directed that the Applicant No. 02 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