

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8580 of 2018

- Ghanaram S/o Jeevan Lal Sahu Aged About 32 Years R/o Village Singarpur, Thana Bhatapara Rural, District Baloda Bazar-Bhatapara Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Samir Singh, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/11/2018

1. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is 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. First bail was dismissed as withdrawn vide order dated 24.09.2018 passed in M.Cr.C No. 6655/2018.
3. As per prosecution story, on 27.08.2018, on the basis of information received from an informant, police party searched the motor cycle, allegedly present applicant along with other co-accused persons namely Vishnu and Radheshyam were found in possession with 9 litres of country made liquor, the said liquor has been seized from their joint possession and they have been arrested on 27.08.2018.
4. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and has been falsely implicated in the present

case. He further submits that the co-accused Vishnu and Radheshyam have already granted benefit of bail by this Court vide order dated 24.09.2018, present applicant has four previous criminal record and in three of them he has already been acquitted, he is in custody since 27.08.2018, charge-sheet has been filed and trial will take some time, therefore, he 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.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the other co-accused persons have already granted benefit of bail by this Court, present applicant is custody since 27.08.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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 local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge