

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8670 of 2018

- Kamaljit Singh S/o Shri Mahendra Singh, aged about 27 years, R/o Camp No. 02 Chatai Quarter, Bhilai, Police Station Chhawani, Civil and Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through The Station House Office, Police Station Kotwali Rajnandgaon, Civil and Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

AND

MCRC No. 8754 of 2018

1. Komeswar Prasad Sonwani S/o Hemlal, aged about 21 years R/o Government Quarter No. 19-A, Sector 02, Bhilai, District- Durg, Chhattisgarh.
2. Anup Yadav S/o Rajesh Yadav, aged about 21 years R/o Baldevbag, Behind Kendriya Bank, Rajnandgaon, Police Station- Kotwali, District- Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Kotwali, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 8670/2018)	: Shri Sunil Sahu, Advocate.
For Applicants (In MCRC No. 8754/2018)	: Shri S.S. Baghel, Advocate.
For Respondent/State	: Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/12/2018

1. Heard.

2. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 613/2018, registered at Police Station – Kotwali, Rajnandgaon, District- Rajnandgaon, (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
4. As per the prosecution story, on 24.10.2018, on the basis of information received from an informant, police personnel searched the Applicants and total 144.00 bulk litres of foreign-made liquor has been seized from their joint possession and they have been arrested on 24.10.2018.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that the Applicant (in MCRC No. 8670/2018) and Applicant No. 01 and 02 (in MCRC No. 8754/2018) have no criminal antecedent, they are in custody since 24.10.2018 and trial will take some time. Therefore, they 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 and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedent, they are in custody since 24.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the Applicant (MCRC No. 8670/2018) and Applicant

No. 01 and 02 (in MCRC No. 8754/2018) shall be released on bail on each of them executing 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 their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge