

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9054 of 2018

- Mahendra Sahu, aged about 39 years, S/o Heeraram Sahu, Caste Sahu, R/o Village Arjuni, Police Station- Sakti, District- Janjgir-Champa, (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through District- Magistrate, District- Janjgir-Champa, Chhattisgarh. Through Police Station Sakti.

---- Respondent

For Applicant	:	Shri Ravindra Sharma , Advocate
For Respondent/State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/12/2018

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. 603/2018, registered at Police Station – Sakti, 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 18.10.2018, on the basis of information received from an informant, police personnel searched the Applicant and total 9 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 18.10.2018.
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 charge-sheet has not been filed, he is in custody since 18.10.2018 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 and submits that the Applicant has total two previous antecedents of excise matter.
5. Learned Counsel for the Applicant further submits that the two previous cases of excise matter in which the Applicant was involved, has already been disposed of.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 18.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
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 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