

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9485 of 2018

- Mohan Dheever, aged about 32 years, son of Shri Sukhram Dheever, resident of Chandkhuri Farm, P.S. Mandir hasaud, Distt. Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Excise Circle, Abhanpur, District- Raipur (C.G.)

---- Respondent

For Applicant : Shri PK Patel, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/12/2018

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. 58/2018, registered at Police Station – Excise Circle, Abhanpur, Raipur (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. As per the prosecution story, on 21.10.2018, on the basis of information received from an informant, excise officials searched the Applicant and total 5.760 litres of country made liquor has been seized from his possession and he has been arrested on 21.10.2018.
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 Applicant has no criminal antecedent, he is in custody since 21.10.2018 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.

5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, he is in custody since 21.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
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**