

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 11 of 2019

- Santosh Sahu @ Dainy S/o Dhelauram Sahu Aged About 50 Years
R/o Chatidih Melapara Police Station Sarkanda District Bilaspur
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Sho Sarkanda District Bilaspur
Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/01/2019

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. 1069/2018, registered at Police Station – Sarkanda, District Bilaspur (C.G.) for the offence punishable under Section 34 (2) & 59-A of the C.G. Excise Act.
2. As per the prosecution story, on 18.12.2018, on the basis of information received from an informant, police personnels searched the Applicant and total 6 bulk litres of country made liquor has been seized from his possession and he has been arrested on 18.12.2018.
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 seven previous criminal record and as per information received to him from the wife of the present applicant in all the cases the Applicant has already been acquitted, he is in custody since 18.12.2018 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 some previous criminal record, therefore, he may not be released on bail.
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 is in custody since 18.12.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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