

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1844 of 2019

Pukhraj Chandrakar @ Poku S/o Shri Ramesh Chandrakar Aged About 32 Years R/o Ward No.12 Tendulotha Bagbahra, Police Station And Tahsil Bagbahra, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Bagbahra, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Smt. Indira Tripathi, Advocate.
For Respondent/State : Smt. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/05/2019

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. 34/2019, registered at Police Station – Bagbahra, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. As per prosecution story, on 02.02.2019 on the basis of information received from an informant, police officials searched the agriculture courtyard (Khalihan) of the Applicant situated at Village- Tendulotha and seized total 180 Litre Goa Whiskey from the possession of the Applicant which has been manufactured in the State of Madhya Pradesh, so on the basis of the said seizure the prosecution agency has asked some legal document from the applicant, the applicant cannot be able to file any document, so the prosecution agency has arrested the applicant in the alleged involvement of the crime. The applicant has been taken into custody on 02.02.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the Applicant has no criminal antecedent and he is in custody since 02.02.2019 and trial is likely to take some time, therefore, the Applicant 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, particularly considering the fact that the Applicant has no criminal antecedent and he is in custody since 02.02.2019 and trial is 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