

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1538 of 2019

- Shiv Kumar @ Gabbar S/o Jagat Singh Aged About 45 Years R/o Village Siltara, Police Station Dharsiwa , District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Girdhari Lal Verma, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2019

1. The Applicant has preferred third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 328/2018, registered at Police Station – Dharsiwa, District- Raipur, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. First bail application was dismissed for want of prosecution vide order dated 04.01.2019 passed in MCRC No. 9827/2018 whereas second bail application was also dismissed for want of prosecution vide order dated 04.02.2019 passed in MCRC No. 713/2019.
3. As per the prosecution story, on 18.08.2018, on the basis of information received from an informant, police personnels searched Applicant and total 5.220 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 18.08.2018.
4. 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 charge-sheet has been filed, he is in custody since 18.08.2018 and trial will take some time. Therefore, he may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there are total two cases of previous antecedents of same type of crime.
6. However, Counsel for the Applicant submits that the Applicant has already been acquitted from the said previous two cases.
7. I have heard learned Counsel for the parties.
8. 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 18.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
9. Accordingly, the bail application is allowed.
10. 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge