

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2607 of 2019

Anup Yadav S/o Rajesh Yadav Aged About 23 Years R/o Village Badlev Bagh, Behind Central Bank, Ward No. 16, Rajnandgaon Police Station City Kotwali, Rajnandgaon District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Palari, District Baloda Bazar, Bhathapara, Chhattisgarh

---- Respondent

For Applicant	: Shri Shaleen Singh Baghel, Advocate.
For Respondent/State	: Shri Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/04/2019

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. 436/2018, registered at Police Station – Palari, District- Baloda Bazar (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. As per prosecution story, on 24.08.2018 on the basis of information received from an informant, police officials searched the vehicle bearing Registration No.CG 07 AT 6209, at that relevant time, police officials found other co-accused persons namely Lokesh Sinha & Sandeep Singh inside the vehicle. On being searched total 144 litres of foreign liquor was found which has been seized from the possession of both the accused persons. The Applicant was handling the said vehicle and he was also arrested in the crime in question on 24.08.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. The Applicant is in custody since 24.08.2018, charge-sheet has already been filed 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 and submits that the Applicant has one 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, particularly considering the fact that the Applicant is in custody since 24.08.2018, charge-sheet has already been filed 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