

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2137 of 2019**

- Bhagwat @ Chhotu Kamde S/o Late Radhelal Kamde Aged About 28 Years R/o Ward No. 14, Tikripara, Chhuikhadan, Police Station and Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Sharma, Advocate.
For Respondent/State	: Shri Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**22/04/2019**

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. 69/2019, registered at Police Station – Chhuikhadan, District – Rajnandgaon, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 11.03.2019, on the basis of information received from an informant, police personnels conducted raid and searched the Applicant and total 5.460 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 11.03.2019.
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 charge-sheet has not been filed, Applicant is in custody since 11.03.2019 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 there are five previous cases of registered against the present Applicant.
5. However, Counsel for the Applicant submits that out of five previous cases, Applicant have already been acquitted in two cases which relates to IPC.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the quantity of the seized liquor, Applicant is in custody since 11.03.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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