

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2681 of 2019

Nathelu Kurrey S/o Late Narayan Kurrey Aged About 60 Years R/o Village Ganod, Police Station Rakhi, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Rakhi, Civil And Revenue District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Ms. Richa Dwivedi, Advocate on behalf Mr.Pushpendra Kumar Patel
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/05/2019

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. 79/2019, registered at Police Station – Rakhi, District- Raipur (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. As per prosecution story, on 22.03.2019, on the basis of information received from an informant, police officials searched and seized total 5.040 Litres of country-made plain liquor from the possession of the present applicant. On the basis of the said, offence has been registered. The applicant has been taken into custody on 22.03.2019.
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 22.03.2019 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, he is in custody since 22.03.2019 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge