

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2921 of 2019**

Salik Ram Sahu, S/o Mohan Lal Sahu, aged About 35 Years R/o Damru, Police Station- City Kotwali, Baloda Bazar, District- Balodabazar, Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali Balodabazar, District- Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Ms. Supriya Upasane, Advocate
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/05/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 540/2018, registered at Police Station- City Kotwali, Balodabazar, District- Balodabazar (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act and 120 (B) of IPC.
2. First bail application was dismissed as withdrawn vide order dated 14.02.2019 passed in MCRC No.8897/2018 on 05.09.2019.
3. As per prosecution story, on 05.09.2018, on the basis of information received from informant police officials searched the house of the applicant and co-accused Kaushalya Sahu i.e. wife of the present applicant and seized total 100-100 bulk litres of country made liquor from their possession. On the basis of the said, offence has been registered. The applicant has been taken into custody on 05.09.2018.

4. 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 co-accused Kaushalya Sahu has already been granted bail by this Court vide order dated 14.02.2019 passed in MCRC No.8897/2018. Both the seizure witnesses have already been examined before Trial Court and they have not supported the cases of the prosecution and turned hostile. Applicant is in custody since 05.09.2018. He also submits that charge sheet has been filed and trial is likely to take some time, therefore, the applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, particularly considering that he is in custody since 05.09.2018 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.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing personal bond for a sum of Rs.20,000/- with one local solvent surety to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge