

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8709 of 2018

- Chhotelal Kurrey S/o Chandwaram Aged About 32 Years R/o Village Bhatapara, Police Station Baradwar, Civil And Revenue District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Baradwar, Civil And Revenue District Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicant	: Shri PK Patel, Advocate.
For Respondent/State	: Shri Sumit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/02/2019

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. 272/2018, registered at Police Station – Baradwar, District- Janjgir Champa (C.G.) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. As per the prosecution story, on 24.10.2018, on the basis of information received from an informant, police officials searched the applicant and total 60 liters of country made liquor has been seized from his possession and he has been arrested on 24.10.2018 itself.
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 the Applicant has two previous criminal record, out of which in one case he has already been acquitted, he is in custody since 24.10.2018 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 the applicant has criminal antecedent, 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, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 24.10.2018 and trial will 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