

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9113 of 2018**

- Chintaram Nirmalkar S/o Lakhanlal Nirmalkar, Aged About 45 Years Occupation Agriculturist R/o Village Jarway, P. S. Ranitarai, District Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Ranitarai, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjay Kumar Agrawal, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/01/2019

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. 122/2018, registered at Police Station – Rani Tarai, District - Durg, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 03.11.2018, on the basis of information received from an informant, police personnels searched Applicant and total 169 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 03.11.2018.
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 no criminal antecedent, he is in custody since 03.11.2018 and trial will take some time. Charge-sheet has been filed. Therefore, he 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, he is in custody since 03.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing 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