

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9440 of 2018**

- Ghanshyam Patel, S/o Shri Khirsagar Patel, aged about- 51 years, R/o Village- Bade Aamakoni, P.S.- Saria, Tahsil and District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through District- Magistrate, Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate.
For Respondent/State	: Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/01/2019

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. 225/2018, registered at Police Station – Saria, District- Raigarh, (C.G.) for the offence punishable under Sections 34 (2), 59(A) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 19.10.2018, on the basis of information received from an informant, police personnel searched the house of the Applicant and total 108 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 19.10.2018.
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 charge-sheet has been filed, the Applicant has no criminal antecedent, he is in custody since 19.10.2018 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 one previous case relating to excise.
5. I have heard learned Counsel for the parties.
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 19.10.2018 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 executing a personal bond for a sum of Rs. 50,000/- with two local sureties each of 25,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge