

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9540 of 2018**

- Arun Kumar Banjare S/o Late Udayram Banjare Aged About 35 Years R/o Village Ward No. 03 Ahivara ,tahsil Dhamdha, District Durg, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station Incharge Police Station Nandani District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri UKS Chandel, Advocate.

For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/01/2019

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. 328/2018, registered at Police Station – Nandani, District- Durg, (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, 18.11.2018, on the basis of information received from an informant, police personnels searched the vehicle bearing registration No. CG. 07 BC 8054, owned by the Applicant and seized total 164 bulk litres of country-made liquor from his possession and he has been arrested on 18.11.2018.
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 18.11.2018 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.
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 18.11.2018 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 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