

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9627 of 2018

- Rajesh Sarthi S/o Shri Premlal Sarthi Aged About 27 Years R/o Village Tausir, Police Station And Tashil Baramkela, District Raigarh Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Officer In Charge Of Police Station Baramkela, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Roop Naik, Advocate.
For Respondent/State	: Shri Rajkumar Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/01/2019

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. 218/2018, registered at Police Station – Baramkela, District Raigarh (C.G.) for the offence punishable under Section 34 (1) (a), 34 (2) & 59 (A) of the C.G. Excise Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after filing of charge-sheet vide order dated 22.11.2018 passed in M.Cr.C. No. 8014/2018.
3. As per prosecution story, on 04.10.2018, on the basis of information received from an informant, police personnels searched the Applicant and total 6 bulk litres of country made liquor has been seized from his possession and he has been arrested on 04.10.2018.
4. 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 is in custody since 04.10.2018 and

trial will take some time. Therefore, he may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that the applicant has previous criminal record, therefore, he may not be released on bail.
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, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 04.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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