

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9864 of 2018

- Gaman Nishad S/o Mohan Nishad, aged about 33 years, R/o Ward No. 14 Budhwaripara, Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station – Salhewara, District Rajnandgaon (C.G.)

---- Respondent

For Applicant : Shri SS Baghel, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/02/2019

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. 38/2018, registered at Police Station – Salhewara, District- Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. As per the prosecution story, on 12.08.2018 on the basis of information received from an informant, police officials stopped the vehicle bearing Registration No. CG 08 Z 3775 which was driven by the present Applicant, on being searched the said vehicle total 180 liters of foreign liquor has been sized from the possession of the Applicant, allegedly at the time of incident the Applicant was fled away from the spot, thereafter on 29.09.2018, he has been arrested.
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 been acquitted and from the another one the trial is going on, he is in custody since 29.09.2018 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 29.09.2018 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