

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 321 of 2019

- Surya Suryawanshi S/o Shri Ramesh Suryawanshi Aged About 24 Years R/o In Front of Aganbadi, Om Nagar Jarhabhata, Police Station Civil Line District - Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through SI Excise Divisional Flying Squad Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Shri KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/01/2019

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. 83/2018, registered at Police Station – SI Excise Divisional Flying Squad, District Bilaspur (C.G.) for the offence punishable under Section 34 (1) (A), 34 (2) & 59-A of the C.G. Excise Act.
2. As per the prosecution story, on 18.11.2018, on the basis of information received from an informant, excise officials searched the motorcycle bearing Registration No. CG 10 AB 8577 driven by the present applicant, on seeing the excise officials, the applicant left his motorcycle on the spot and fled away. On being searched the said motorcycle a hanging bag was found in the handle of the motorcycle in which total 5.4 bulk litres of illicit country made liquor has been found. Thereafter, on 27.11.2018, the applicant has been arrested and since then, he is in custody.

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 27.11.2018 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.
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 has no criminal antecedent, he is in custody since 27.11.2018 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 Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge