

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7111 of 2018**

Nirmal Meher, S/o Dhanpati Meher, aged about 35 years, Caste Bhuliya, R/o village Kasdol, Post Office, Police Station & Tahsil Saraipali, Police Chowki Balouda, District Mahasamund (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Saraipali, District Mahasamund (CG).

---- Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****25.10.2018**

1. Mr. Vivek V.K., S.H.O., Police Station Saraipali is present in person before this Court along with case diary. Explanation submitted by him is considered.
2. Looking to the facts and circumstances of the case, this Court adopts lenient view and directed the said SHO to be vigilant in future.
3. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
4. The applicant has been arrested in connection with Crime No.321/2018 registered in Police Station Saraipali, District Mahasamund (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
5. Case of the prosecution in brief is that on 09.09.2018, 10.00 bulk liters hand made country liquor has been seized from the possession of the applicant.
6. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated in the case hence he may be released on bail.
7. On the other hand, counsel for the State opposed the bail application. He submitted that one criminal case under of Excise Act has already been registered against the applicant.
8. Looking to the above facts and circumstances of the case, the

application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs.25,000/- along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that will not involve himself in any of the crime in future, he be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-