

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3255 of 2021**

- Durgesh Sahu, S/o Hiranman Sahu, Aged about 24 years, R/o Saddu, P.S. - Vidhan Sabha, Raipur, District Raipur, C.G.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Kharora, District Raipur, C.G.

---- Non-Applicant

For Applicant	: Shri Pushkar Sinha, Advocate
For State/Non-Applicant	: Shri Vikram Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay S. Agrawal**Order On Board****28.05.2021**

1. This is the first bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.), seeking grant of regular bail to him, as he has been arrested on 08.05.2021 in connection with Crime No. 178 of 2021, registered in Police Station Kharora, District Raipur, C.G. for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. According to the prosecution story, 10 bulk liters of Mahua liquor has been seized from the possession of the applicant, and therefore, the alleged offence has been registered against him.
3. Learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the said

offence, which is triable by the Judicial Magistrate First Class. It is contended further that there is no criminal antecedent registered against him and the applicant is in jail since 08.05.2021, and therefore, he may be enlarged on bail.

4. On the other hand, learned counsel appearing for the State/Non-applicant has opposed the bail application.
5. I have heard learned counsel appearing for the parties and perused the record carefully.
6. Having considered the facts and circumstances of the case and considering further the length of pre-trial detention of the applicant with regard to the offence triable by the Judicial Magistrate First Class, I am inclined to enlarge the applicant on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C. is hereby allowed and it is directed that the applicant shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Sanjay S. Agrawal)
Vacation Judge