

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7357 of 2021**

Abhishek Gurung S/o Jashbahadur Gurung Aged About 27 Years R/o Village Ajirama, Nepalipara, Police Station Gandhi Nagar, Tehsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Excise Flying Squad, Surguja Division, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant	:	Shri U.R. Koshle, Advocate appears on behalf of Shri Sushil Dubey, Advocate
For the State	:	Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**22/11/2021**

1. As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.13/2021 registered in Excise Flying Squad, Surguja Division, Ambikapur, District – Surguja (CG) for offence punishable under Sections 34 (1)(a), 36 (A), 34 (2), 59 (A) of C.G. Excise Act.
3. As per prosecution story that on 03/09/2021, 170 bulk liter of Kosna liquor (desi liquor) has been seized from the illegal possession of applicant.
4. Counsel for the applicant submits that this is first crime registered against the present applicant, he has not committed the alleged

crime and he has been falsely implicated, seizure memo is false. He would next submit that charge-sheet has been filed, he is in jail since 03/09/2021 and he is permanent resident of given address, therefore he be released on bail.

5. On the other hand learned State counsel vehemently opposed the bail application and submits that as per case diary there is no criminal antecedent against the present applicant.
6. Considered the submissions made by both the counsel.
7. Considering the facts and circumstances of the case, nature of gravity of offence, charge-sheet has been filed, applicant is in jail since 03/09/2021, he is said to be permanent resident of given address, hence bail application filed by applicant is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.50,000/- each along with one personal bond in the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

CC as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE