

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7480 of 2021

Nirmal Bahadur Soni, S/o Late Dev Bahadur, Aged About 42 Years, R/o Barbaspur, Police Station- Podi, District- Koriya (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through- Station House Officer, Police Station- Podi, Outpost- Nagpur, District- Koriya (C.G.)

--- Respondent

For Applicant : Mr. Anil S. Pandey, Advocate.

For State/ Respondent : Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

25/10/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 07.09.2021 in connection with Crime No. 141/2021, registered at Police Station- Podi, Outpost- Nagpur, District- Koriya (C.G.) for the offence punishable under Section 34 (2) of the Excise Act.
2. Case of the prosecution in brief is that on 07.09.2021, secrete information was received by the police that the applicant is transporting liquour and selling the same. The police conducted raid and recovered 10.620 bulk liter of foreign liquour from possession of the applicant, therefore, the offence under Section 34 (2) of the Excise Act has been registered against the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question. He would further submit that the applicant has no previous criminal antecedent and he is in custody since 07.09.2021 and the trial is likely to take some time for its final disposal. Hence, it is prayed

that this applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposing the bail application submits that there is clear allegation against this applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. Heard learned counsel for both the parties and perused the case diary.
6. Perusal of the case diary would reveal that 10.620 bulk liter of foreign liquor has been recovered from possession of the applicant.
7. Considering the facts and circumstances of the case, quantity of illicit liquor, the applicant is in jail since 07.09.2021 and the fact that the offence is triable by Magistrate and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one surety of Rs. 25,000/- for the like amount to the satisfaction of the concerned trial court. He shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Judge