

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8215 of 2021**

- Bhagwat Diwan, S/o Shri Lekhram Diwan, Aged About 38 Years
R/o- Village - Patharidhih, Police Station - Baghbahra, Tahsil -
Baghbahra, And District Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Excise - Circle Tahsil -
Mahasamund And District Mahasamund Chhattisgarh (Wrongly
Mentioned As Ex. Circle - Baghbahra)

---- Respondent

 For Applicant : Shri JA Lohani, Advocate
 For respondent/State : Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****24.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 24.9.2021 in connection with Crime No.62/2021 registered at Excise Circle Mahasamund, Distt. Mahasamund (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Allegation against the applicant is that he was found in illegal possession of 50 bulk liters of country made liquor.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the present case and he is in jail since 24.9.2021. He further submits that charge sheet has been filed and this is the first crime registered against the applicant, hence, he may be released on bail.

4. On the other hand, learned counsel for the State would vehemently oppose the bail application. However, he submits that there is no criminal antecedent registered against the applicant.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the entire facts and circumstances of the case, quantity of liquor seized from the possession of the applicant and also for the fact that the applicant is in jail since 24.9.2021, I am inclined to release the applicant on bail. Therefore, the application under Section 439 of the CrPC is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- 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.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE