

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8376 of 2021**

Jitendra Vishwakarma S/o Shri Kaushik Vishwakarma, Aged About 22 Years R/o Budhwari Para, Near Gurudwara, Rajnandgaon, Tehsil & District Rajnandgaon Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through: The O.P. Tumdibod, Police Station Lalbagh, District - Rajnandgaon Chhattisgarh

---- Respondent

For Applicant - Shri Ankur Agrawal, Advocate on behalf of Shri Shaleen Singh Baghel, Advocate.
For Respondent/State - Shri Vaibhav Singh, Panel Lawyer.

Hon'ble Justice Shri N.K. Chandravanshi**Order on Board****27-10-2021**

1. Heard.
2. The applicant has preferred the first bail application under Section 439 of the Cr.P.C. for grant of regular bail, as he has been arrested in connection with Crime No.435/2021, registered at Police Station – O.P. Tumdibod, District – Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
3. Prosecution story, in brief, is that on 24-09-2021, the applicant has been found in illicit possession of 5.760 bulk liter of country made liquor (*Mahua*).

4. Shri Ankur Agrawal, learned counsel for the applicant would submit that the applicant is innocent, he has been falsely implicated in this case and he is in jail since 24/09/2021. He further submits that only 5.760 bulk liter of country made liquor has been seized from him. Hence, he may be released on bail.
5. Per contra, Shri Vaibhav Singh, learned state counsel would oppose the bail application of the applicant. He further submits that, as per case diary, one other case under Excise Act is pending against the applicant which shows that he is habitual offender, therefore, his bail application may be rejected.
6. Considering the facts and circumstances of the case and quantity of seized liquor from the possession of applicant and also for the fact that the applicant is in jail since 24-09-2021, I feel inclined to release the applicant on bail.
7. Accordingly, the present bail application 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.

SD/-

(N.K. Chandravanshi)
Judge

Amardeep