

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8753 of 2021**

Deepak Banjare @ Jojo S/o Shri Maniram Banjare Aged About 38 Years R/o Village - Khapradih, P.S. Suhela, District - Baloda Bazar - Bhatapara (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. - P.S. Suhela, District Baloda Bazar - Bhatapara (Chhattisgarh).

---- Respondent

For the Applicant	:	Shri Ravindra Sharma, Advocate
For the State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**10/11/2021**

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. 209/2021 registered in Police Station – Suhela, District – Baloda Bazar-Bhatapara (CG) for offence punishable under Section 34 (2) of C.G. Excise Act.
3. As per prosecution story, on 22/10/2021, 17.280 bulk liter of foreign liquor (Goa Whiskey) has been seized from the illegal possession of applicant.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. He also submits that no seizure of alleged liquor has been made from the possession of the applicant. He would next submit that earlier two cases were registered against the applicant but one case he has been

acquitted and another case is pending. He further submits that applicant is in jail since 22/10/2021, quantity of seized liquor is not very much, hence, he be released on bail.

5. Per contra, learned State counsel opposed the bail application. He further submits that applicant is habitual offender of crime of this nature, hence his bail application is liable to be rejected.
6. Considered the submissions made by learned counsel for both the parties.
7. Looking to the facts and circumstances of the case and quantity of the seized liquor and further looking to the totality of the facts, I feel inclined to allow the bail application. 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.

CC as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE