

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8742 of 2021**

Horilal Nishad S/o Shri Madhav Ram Nishad @Madho Nishad Aged About 35 Years R/o Hira Nagar, Achholi, Police Station Urla, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Urla, District Raipur Chhattisgarh.

---- Respondent

For Applicant - Shri C.R. Sahu, Advocate.
For Respondent/State - Shri Sameer Oraon, Government Advocate.

Hon'ble Justice Shri N.K. Chandravanshi**Order on Board****10-11-2021**

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.381/2021, registered at Police Station - Urla, District – Raipur (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 17-10-2021, 7.560 bulk liters of country made liquor has been seized from the illicit possession of applicant.

4. Learned counsel for the applicant would submit that the applicant is innocent, he has been falsely implicated in the present case and he is in jail since 17-10-2021. He further submits that no seizure of alleged liquor has been made from the possession of the applicant. The applicant is only bread earner of his family. Hence, he may be enlarged on bail.
5. Per contra, learned counsel for the State would oppose the bail application mentioning that there is four criminal antecedents registered against the applicant. He is habitual offender of similar nature of crime. Hence, his bail application is liable to be rejected.
6. Considering the entire facts situation of the case; specially taking into consideration the quantity of seized liquor recovered from the possession of applicant and also for the fact that the applicant is in jail since 17-10-2021, I feel inclined to release the applicant on bail. However, if it is found that the applicant is again indulged in crime of such nature, then his bail application will be liable to be rejected.
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