

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8755 of 2021**

Ganesh Jaiswal S/o Heeralal Jaiswal Aged About 34 Years R/o Village Nagpur, Mahuwapara, Police Station Podi, District Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Outpost Nagpur, Police Of Police Station Podi, District Koriya Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, 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.149/2021 registered in Outpost Nagpur, Police Station – Podi, District – Koriya (CG) for offence punishable under Section 34 (2) of C.G. Excise Act.
3. Case of the prosecution in brief is that on 27/09/2021, 14.400 bulk liter of foreign liquor has been seized from the illegal possession of applicant.
4. Counsel for the applicant would submit that applicant is innocent, he has been falsely implicated in the instant case, he is only bread earner of his family and he is in custody since 27/09/2021, hence he be released on bail.

5. Per contra, learned State counsel submits that as per case diary two excise cases have been registered against the applicant, one is under 36 (C) of Excise Act and another is under 34 of the Excise Act and third is preventive offence, which shows that applicant is habitual offender, hence his application is liable to be rejected.
6. I have heard learned counsel for both the parties.
7. Having considering the facts and circumstances of the case, quantity of seized liquor, detention period of the applicant and also taking into consideration that charge-sheet has been filed, 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