

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8807 of 2021**

Fernandis @ Kanhaiya Singh S/o Sukhdev Singh Marawi, Aged About 40 Years At Present R/o Maharajpur, P.S. Podi, Permanent R/o Domanhill, Chirmiri, District Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O., Police Station Chirmiri District Koriya Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate appears on behalf of Shri Pushkar Sinha, Advocate
For the State	:	Shri Alok Nigam, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

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

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No. 358/2021, registered at Police Station Chirmiri, District Koriya (C.G.), for the offence punishable under Section 34 (2) of C.G. Excise Act.
3. Case of the prosecution in brief is that on 01/10/2021, 26 bulk liter of country made liquor has been seized from the illegal possession of applicant.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated in the present case, he is bread earner of his family, offence is triable by Judicial Magistrate First Class and

he is in custody since 01/10/2021, therefore, he be released on bail.

5. Per contra, learned State counsel opposed the bail application mentioning that as per case diary one case under NDPS Act has been registered against the applicant, hence he may not be enlarged on bail.
6. I have heard learned counsel for both the parties and perused the material available.
7. Looking to the facts and circumstances of the case and quantity of the liquor seized from the illegal possession of the applicant, offence is triable by Judicial Magistrate First Class and his detention period, 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