

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8800 of 2021**

Surendra Kumar S/o Late Faguwa Ram Nishad Aged About 35 Years
R/o Village Belora, Police Station Magarlod, District Dhamtari
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Excise Sub
Inspector, Circle Magarlod, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant - Shri Anil Gulati, Advocate.
For Respondent/State - Shri Vimlesh Bajpai, Government Advocate.

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

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.33/2021, registered in Excise Sub Inspector, Circle Magarlod, District – Dhamtari (C.G.) for the offence punishable under Section 34 (2), 59 (क) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that on 28-10-2021, 22 bulk liters of country made liquor (*Mahua*) 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 instant case and he is in jail since 28-10-2021. He further submits that no seizure of alleged liquor has been made from the possession of the applicant. This is the first crime registered against him. Hence, he may be enlarged on bail.
5. Per contra, learned counsel for the State would oppose the bail application. He further submits that, as per case diary, there is no criminal antecedent registered against the applicant.
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 custody since 28-10-2021, 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