

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9013 of 2021**

Sanjay Patra S/o Kashi Patra, Aged About 28 Years R/o. Subhashnagar  
Ward No. 22 Mahasamund, Police Station, Tehsil And District  
Mahasamund Chhattisgarh.

**---- Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, P.S.  
Mahasamund, District Mahasamund Chhattisgarh.

**---- Respondent**

|                   |   |                                  |
|-------------------|---|----------------------------------|
| For the Applicant | : | Shri Arun Kumar Shukla, Advocate |
| For the State     | : | Shri Vimlesh Bajpai, Govt. Adv.  |

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**Hon'ble Shri Justice N.K. Chandravanshi**

**Order On Board****17/11/2021**

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. 358/2021, registered at Police Station Mahasamund, District Mahasamund (C.G.), for the offence punishable under Section 34 (2) of C.G. Excise Act.
3. Allegation against the present applicant is that on 28/09/2021, 7.920 bulk liter of foreign liquor and coutry made liquor has been seized from the illegal possession of applicant.
4. Counsel for the applicant submits that the applicant is innocent and falsely implicated in this case, offence is triable by Judicial Magistrate First Class, he is in custody since 28/09/2021, hence

he be released on bail.

5. Per contra, learned State counsel vehemently opposes the bail application. He submits that the alleged liquor has been seized from illegal possession of the applicant. He further submits that in the impugned order it has been mentioned that four criminal cases have been registered against the present applicant and he is habitual offender of cases under Excise Act, therefore, 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, his detention period, I feel inclined to allow the bail application. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each 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**