

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9088 of 2021**

Nilkanth Baghel S/o Sukdev Baghel Aged About 21 Years R/o Village Harnadader, Police Station Bagbahara, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer , Police Station Bagbahara, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Arun Kumar Shukla, Advocate
For the State	:	Shri Alok Nigam, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**18/11/2021**

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. 250/2021, registered at Police Station Bagbahara, District – Mahasamund (C.G.), for the offence punishable under Section 34 (2) of C.G. Excise Act.
3. As per prosecution story that on 31/10/2021, 30 bulk liter of country 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 31/10/2021, hence he be released on bail.

5. Per contra, learned State counsel opposes the bail application. He submits that one criminal case under Gambling Act has been registered against the applicant in the year 2018, therefore, he may not be enlarged on bail.
6. Considered the submissions made by both the counsel.
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, 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