

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9260 of 2021**

Nandkumar Sen S/o Suritram Sen, Aged About 42 Years R/o Village Sanbahali, Police Station And Tahsil Basna, District - Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Outpost Bhawarpur, Police Station Basna, District - Mahasamund Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Ms. Akshara Amit, P.L.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**25/11/2021**

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. 539/2021 registered in Outpost - Bhanwarpur, Police Station – Basna, District – Mahasamund (CG) for offence punishable under Section 34 (2) of C.G. Excise Act.
3. Case of the prosecution in brief is that on 31/10/2021, 8 bulk liter of Mahua liquor has been seized from the illegal possession of applicant.
4. Counsel for the applicant submits that he is innocent and falsely implicated in the instant case, he is in jail since 31/10/2021, he is bread earner of his family, hence he be released on bail.

5. On the other hand, the State counsel opposes the bail application. She submits that seven criminal cases have been registered against the present applicant. On being asked she submits that all the cases under Excise Act are of the year since 2012 to 2019. She further submits that he is habitual offender, therefore, he may not be granted bail.
6. I have heard learned counsel for both the parties and perused the material available on record.
7. Looking to the facts and circumstances of the case and quantity of the liquor seized from the illegal possession of the applicant, trial will take more time, 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