

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9330 of 2021**

Dharmendra Nirmalkar alias Golu, S/o Ramsharan Nirmalkar, aged 32 years, R/o Village Jatkanhar, Tehsil and Police Station Dongargarh, District – Rajnandgaon, Chhattisgarh (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through the Police Station Dongargarh, District Rajnandgaon (C.G.)

----Non-applicant

For Applicant	:	Mr. Anuroop Panda, Adv. on behalf of Mr. S.S. Baghel, Adv.
For Non-applicant	:	Mr. Sudhir Sahu, PL for the State / non-applicant.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****26-11-2021**

(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. 580/2021 registered at Police Station Dongargarh, District Rajnandgaon for commission of offence punishable under Section 34(2) of C.G. Excise Act.

(3) Case of the prosecution, in brief, is that the applicant was found in possession of 30.600 bulk liters of foreign liquor on 4.10.2021, which he was carrying unauthorizedly for sale.

(4) Counsel for the applicant would submit that the applicant has been falsely implicated in the crime in question as he has not committed the alleged crime. He further submits the there is no previous criminal antecedents against the applicant; he is languishing in jail since 4.10.2021 and conclusion of trial is likely to take long time, therefore, the applicant

may be released on bail.

(5) Per contra, the State counsel opposes the bail application filed by the applicant. He further submits that as per case diary, there is no previous criminal antecedents against the applicant.

(6) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(7) Looking to the entire facts and circumstances of the case, quantity of the liquor seized from the possession of the applicant and detention period of the applicant, I feel inclined to allow the bail application. Accordingly, the bail application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(N.K.Chandravanshi)
Judge

D/-

