

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1199 of 2022**

- Sanjay Dhrutlahre S/o Kawarlal Dhrutlahre Aged About 37 Years R/o Village Khairghat, Police Station Simga, District Balodabazar, Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Simga, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

 For Applicant : Shri Akhtar Hussain, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****28.02.2022.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 28.01.2022 in connection with Crime No.46/2022 registered at Police Station Simga Distt. Baloda Bazar, Bhatapara (C.G.), for the offence punishable under Section 34(2) of the Excise Act.

2. Prosecution story, in brief, is that 46.44 bulk liters of country made liquor has been seized from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in this case and no seizure has been made from him. He further submits that the applicant is in jail since 28.01.2022 and charge sheet has been filed on 22.02.2022, however charges have not been framed. Since, the conclusion of the trial will take considerable time, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that three cases under the Excise Act have already been registered against the applicant and this is the

fourth case registered against him. The applicant is a habitual offender, hence, he may not be enlarged on bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, quantity of the liquor seized from the applicant, his detention period and also considering the statement of both the parties that charge sheet has been filed, I feel inclined to grant bail to the applicant. Therefore, the application under Section 439 of the CrPC is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- with two sureties of the like sum to the satisfaction of the concerned trial Court concerned for his appearance before the concerned Court as and when directed by the said court, he be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE