

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5823 of 2023**

- Haldhar Nirala S/o Nepal Aged About 48 Years Resident Of Village Jewara, P.S. And Tahsil Sarangarh, District - Sarangarh-Bilaigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station City Kotwali, Sarangarh, District Sarangarh - Bilaigarh (C.G.)

---- Respondent

For Applicant	:	Shri U. R. Koshaley, Advocate
For State	:	Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order On Board****31.08.2023**

1. This is the first bail application filed u/s 439 of Cr.P.C. for grant of regular bail to the applicant who has been arrested in connection with Crime No.374/2023 registered at Police Station- City Kotwali, Sarangarh, District Sarangarh-Bilaigarh (CG) for the offence punishable under Section 34 (2) & 59(a) of CG Excise Act.
2. The allegation against the present applicant, as per the prosecution case is that he was found in possession of 30 bulk liters of country made Mahua liquor. Based on this, offence under the aforesaid section has been registered against the applicant.
3. Learned counsel for applicant submits that the applicant has been falsely implicated in this case. Charge sheet has not been filed. He further submits that the applicant is in jail since 30.07.2023 and there is no likelihood of the trial to be concluded at the earliest, therefore, prays for

the applicant to be released on bail.

4. Learned State counsel, on the other hand, opposes the bail application.
5. Heard learned counsel for the parties and perused the record.
6. Considering the entire facts and circumstances of the case, particularly taking note of the quantity of liquor which is alleged to have been seized from the possession of applicant and the period of custody undergone by the applicant and the fact that there is no antecedent against the applicant and charge sheet has not been filed and there is all possibility of the trial taking sometime for its final conclusion, this Court is of the opinion that prima facie, a case for grant of bail is made out.
7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant is directed to appear before the trial Court on each and every date to be given to him by the said Court till completion of the trial.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE