

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2589 OF 2016

Devsai S/o Milsai aged about 25 years Occupation Agriculturist, Cast Gond R/o Village Ketka P. S. & Tahsil Surajpur Civil & Revenue District Surajpur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Police Station Surajpur District Surajpur (C.G.)

... Non-applicant

For Applicant	:	Mr. S. K. Gupta, Advocate.
For Non-applicant/State	:	Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to Applicant who has been arrested on 8.4.2016 in connection with Crime No. 178/2016 registered at Police Station Surajpur, District Surajpur, for the offence punishable under Section 34 (2) of Excise Act.
2. As per the prosecution, the applicant was found in possession of 23.69 bulk liters of both english and country made liquor from the shop, which was owned by the present applicant.
3. Counsel for the Applicant submits that it is the first offence levelled against the present applicant and there is no past antecedent of any criminal case against the present applicant and he has already remained in jail for a period of about 2 months, therefore, he may be released on bail.

4. Counsel for the State opposes the application for grant of bail.
5. Having considered the facts and circumstances of the case particularly the fact that the present applicant has remained in jail for a period of about 2 months, this Court is of the view that it is a fit case where the Applicant can be released on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that in case the Applicant furnishes a personal bond for a sum of **Rs. 20,000/- with one surety** of the like amount to the satisfaction of the concerned Trial Court then he shall be released on bail on the following further conditions:-
 - (i) that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (ii) that the Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iii) that the Applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
V. Judge