

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4058 of 2018

- Obed Lakra S/o Vishram Lakra Aged About 55 Years Caste - Uraon, R/o Lakrapara, Fundudihri, Ambikapur , Police Station And Tahsil - Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through , S H O Excise Circle, Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Vivek Tripathi, Advocate
For State	:	Shri Sangharsh Pandey, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/06/2018

Learned State counsel accepts notice. Since the case diary is available, the matter is heard finally.

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.66/2018, registered at Police Station-Excise Circle, Ambikapur, District-Sarguja (CG), for the offence punishable under Sections 34(1) (A), 34(2) and 59A of the Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that, 55 bulk liters of illicit liquor was seized by the police from the custody of the present applicant.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in crime in question. He is in custody since 12/05/2018. It is further submitted that charge sheet has not been filed.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity, facts and circumstances of the case, looking to the quantity of liquor seized from the custody of the applicant and pre-trial detention and considering the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014, decided on 05.01.2015), I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/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.
- That, the accused/applicant shall not act, in any manner, which will be

prejudicial to fair and expeditious trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Vacation Judge

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