

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7004 of 2019

- Dongar Singh Ghritlahare S/o Shri Ganeshram Ghritlahare Aged About 36 Years Occupation Agriculturist, R/o Village Bhusadi, Police Station Jonk, Tahsil And District Nuapada (Orissa).

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Komakhan, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati on behalf of Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Anurag Verma Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

20/11/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 158/2019, registered at Police Station - Komakhan, District Mahasamund, (C.G.) for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 17.10.2019, on the basis of information received from an informant, police personnels searched and seized total 26.00 bulk litres of country-made liquor has been seized from his possession and he has been arrested on 17.10.2019.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 17.10.2019 and the trial is likely to take some time for its final disposal, he may be

released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind 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), if the facts of present case are examined, it is apparent that only 26.00 bulk liters of illicit liquor has been seized from him which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicant is in custody since 17.10.2019, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 50,000/- with one local 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.

7. Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu