NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7898 of 2019

- Usatlal S/o Lalsay Aged About 50 Years, Resident Of Village Chhuipali Thana Singhoda, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer Police Station Singhoda, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate.
For Respondent/State : Mr. Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

11/12/2019

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 133/2019 registered at Police Station – Singhoda, District-Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
- It is the case of the prosecution that, 15.00 bulk liters of illicit liquor was seized by the police from the custody of present applicant and thereby committed the offence.
- 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 22.11.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.
- On the other hand, counsel for the State opposes the bail

application.

- 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 15.00 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 22.11.2019, 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.

- Accordingly, the application 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 will be released on bail, subject to following conditions:

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

Sd/-
(Rajani Dubey)
Judge

H.L. Sahu