

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6711 of 2020

- Ishwar Prasad Sahu, S/o Nandram Sahu, aged about 25 years, R/o Q.No. 179 Ramnagar, Supela, Thana – Supela, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station – Bhatapara Rural, District Baloda Bazar-Bhatapara (C.G.)

---- State/Non-applicant

For Applicant : Shri Samir Singh, Advocate

For Non-Applicant/State : Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

04.12.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 08.09.2020 in connection with Crime No. 120/2020 registered in Police Station- Bhatapara Rural, District Baloda Bazar-Bhatapara(CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 351 bulk liters of foreign liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 08.09.2020 and conclusion of the trial is likely to take some time. He also submits that co-accused namely Chetan Sahu has been granted anticipatory bail by the coordinate bench of this Court vide order dated 04.09.2020 passed in M.Cr.C.(A) No. 775 of 2020.
4. On the other hand, learned counsel for the State opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant, he has no criminal antecedents as admitted by both the counsel and the fact that conclusion of the trial may take some time and that the co-accused in this case has been granted anticipatory bail by the coordinate bench of this Court, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
6. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge