

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7577 of 2020**

1. Shiv Kumar S/o Gendram Yadav, aged about 38 Years, R/o Village Bagainala, Thana Pali, District Korba (C.G.).

**---- Applicant**

**Versus**

1. State of Chhattisgarh Through, Police Station - Excise Circle Deepaka, District Korba (C.G.).

**---- Respondent**

---

|                      |   |                                           |
|----------------------|---|-------------------------------------------|
| For Applicant        | : | Shri Vikas Pandey, Advocate.              |
| For Respondent/State | : | Miss Veena Nair, Deputy Advocate General. |

---

**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**23/11/2020**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 09/10/2020 in connection with Crime No. 45/2020 registered at Police Station - Excise Circle Deepaka, District Korba (C.G.) for the offence punishable under Section 34(2), 34(1)A and 59 of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that on 09/10/2020 he was found in illegal possession of 07 Ltrs. Liquor of country made.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has been not committed any offence. He further submits that as the applicant has been arrested on 09/10/2020 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.

- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, the detention period of the applicant and the fact that conclusion of trial may take some time, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 25,000/- with two equivalent sureties for the like amount to the satisfaction of the concerned Trial Court, he shall be released on bail. He 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**

Chandrakant