

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7773 of 2020

- Bhaiyaram Chouhan, S/o Nirbhay Chouhan, aged about 45 years, R/o Village-Basti Saraipali, Thana- Saraipali, District Mahasamund (C.G.).

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station- Saraipali, District Mahasamund (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

24.11.2020

1. Heard on admission.
2. The application is admitted for hearing.
3. I.A. No. 1 of 2020, application for exemption from filing notarized bail application alongwith the affidavit, is rejected.
4. With the consent of the parties, the application is heard finally.
5. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.10.2020 in connection with Crime No. 372/2020 registered in Police Station- Saraipali, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
6. Allegation against the applicant is that he was found in illegal possession of 17 litres of hand made liquor (*Mahuwa* liquor).
7. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 15.10.2020 and conclusion of the trial is likely to take some time.

8. On the other hand, learned counsel for the State opposes the bail application.
9. 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 and the fact that conclusion of the trial may take some time, 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.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.
10. 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