

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8319 of 2020**

- Akshay Kumar Sarthi, S/o Shri Fagulal Sarthi, aged about 31 Years, R/o Village Bhanwarpur (Dabhara), Tahsil Baramkela and District Raigarh Chhattisgarh.

----Applicant

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station and Tahsil Baramkela District Raigarh Chhattisgarh.

---- Respondent

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For Applicant  
For State

Mr. Abhishek Saraf, Advocate.  
Ms. Veena Nair, Deputy A.G.

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**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****07/12/2020**

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 22.10.2020 in connection with Crime No.225/2020 registered at Police Station Baramkela, District Raigarh, C.G. for the offence punishable under Sections 34 (2) & 59(A) of the C.G. Excise Act.
5. Allegation against the applicant is that he was found in illegal possession of 30 bulk litres of country made liquor (*Mahuwa*).

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 22.10.2020 and conclusion of trial is likely to take some time. He also submits that the applicant has no criminal antecedent.
7. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.
8. 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 the applicant has no criminal antecedent as admitted by both the counsels and that conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each 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.
9. 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