

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8951 of 2020

1. Umesh Kumar Mahapatra S/o Tankdhar Mahapatra, Aged About 45 Years R/o Ward No. 02, Bandha Road, Mahalpara, Saraipali, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Thana Incharge Saraipali, District Mahasamund (C.G.).

---- Respondent

For Applicant	: Shri Manoj Paranjpe, Advocate.
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

10/12/2020

- 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 First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 24/11/2020 in connection with Crime No. 437/2020 registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of 32.050 bulk Ltrs. of country made liquor (Mahuwa).
- 6) 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 24/11/2020 and trial is likely to take some time for its disposal. He also submits that the appellant has no criminal antecedent. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. 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, 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 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 the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- 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