

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9199 of 2020

1. Bhavesh Patel S/o Shri Khoda Bhai Patel, Aged About 42 Years, Currently At - Gali No. 1, Fafadih, Police Station Ganj, Raipur, (C.G.) Permanent Address - C32, Kalyanpura, Near Sanskar Bhavan, Unjha, Mahesana, Gujarat, 384170.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Abkari Vritta, Abhanpur, District Raipur (C.G.).

---- Respondent

For Applicant	: Shri Lukesh Kumar Mishra, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/12/2020

- 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 27/11/2020 in connection with Crime No. 57/2020 registered at Police Station Abkari Vritta, Abhanpur, District Raipur (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 **27 bulk Ltrs.** of foreign liquor (*Mcdowell's No. 1 whisky, Royal Stag & Royal challenge whisky*).
- 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 27/11/2020 and trial is likely to take some time for its disposal. He also submits that the applicant 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. 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