

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 28 of 2021**

- Mahendra Gupta @ Chhotelal Gupta, S/o Balkesh Gupta @ Balkrishan Gupta, aged about 49 Years, R/o Village Koyalibeda, Police Station Koyalibeda, Tahsil Pakhanjur, District North Bastar Kanker, Chhattisgarh. (Wrongly mention in order sheet District Dhamtari)

----Applicant

Versus

- The State of Chhattisgarh, Through Station House Officer at Police Station Antagarh, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Amit Kumar Sahu, Advocate.
Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

08/01/2021

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 06.12.2020 in connection with Crime No.93/2020 registered at Police Station Antagarh, District North Bastar Kanker, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
5. Allegation against the applicant is that he was found in illegal

possession of 39.300 bulk litres of foreign liquor.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 06.12.2020 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.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