

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 38 of 2021**

- Birjhu Khakha son of Chamru Khakha, aged about 38 years, Resident of village Chando, Thana Chando, District – Balrampur, Ramanujganj (C.G.)

**----Applicant****Versus**

- State of Chhattisgarh, through, Police Station Chando, District – Balrampur Ramanujganj (C.G.)

**---- Non-applicant**


---

For Applicant : Shri Vikash Pandey, Advocate  
 For Non-applicant/State : Shri Vimlesh Vajpai, Govt. Advocate.

---

**Hon'ble Shri Justice Gautam Chourdiya****Order on Board****15/01/2021**

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. as he is in custody since 03.10.2020 in connection with Crime No. 32/2020 registered at Police Station- Chando, Balrampur, Ramanujganj (C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 7 bulk liters of foreign liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime as he has not committed any offence. He further submits that the applicant has been arrested on 03.10.2020 and conclusion of trial is likely to take some time. He also submits that the applicant has no criminal antecedent.

4. On the other hand, learned counsel for the State opposes the bail application.

5. 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 the applicant has no criminal antecedent as admitted by the counsel for the parties and that conclusion of trial may likely to 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 on the following conditions :-

(i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

(ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(iv) He shall not involve himself in any offence of similar nature in future.

**Certified copy as per rules.**

**Sd/-**

**(Gautam Chourdiya)**

**Judge**

D/-