

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 89 of 2021

- Kushal Nishad S/o Shri Anant Nishad Aged About 32 Years R/o Vill. Pandaria Jhaanp, O.P. Saket, P.S.- Pathariya, Distt.- Mungeli (Chhattisgarh).
---- Applicant

Versus

- State Of Chhattisgarh Through O.P. Saket, P.S. Pathariya, Distt.- Mungeli (Chhattisgarh).
---- Respondent

For Applicant	: Shri J.K. Gupta, Advocate
For Respondent/State	: Smt. Shubha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.01.2021

- 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 First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 25.12.2020 in connection with Crime No.449/2020 registered at Police Station Saket, Pathariya, District- Mungeli, for the offence punishable under Section 34 (1) a, 34 (2) and 59 A of C.G. Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of 12 bulk Ltrs. country made liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that the applicant has no criminal antecedent and as the applicant has been arrested on 25.12.2020 and trial is likely to take some time for its final disposal. 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, however, 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 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.

(a) 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.

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

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

(d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge