

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 468 of 2021

- Ajay Nishad S/o Pardeshi Nishad, aged about 24 years, R/o Soniya Nagar, Raigarh, Tahsil and District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Kotwali Raigarh, District Raigarh (C.G.)

---- State/Respondent

For Applicant	:	Shri Manoj Kumar Jaiswal, Advocate
For Respondent/State	:	Shri Ajay Kumrani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

25.01.2021

1. Heard.
2. The application is admitted for hearing.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 16.08.2020 in connection with Crime No. 569/2020 registered in Police Station- Kotwai Raigarh, District Raigarh (CG) for the offence punishable under Sections 34 (2) & 59-A of the CG Excise Act.
5. Allegation against the applicant is that he was found in illegal possession of 13.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 16.08.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
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, that there is no apprehension of the applicant tampering with the evidence or absconding and he has no criminal antecedent as admitted by both the counsel, without expressing any opinion on merits of the case, the bail application is allowed.

9. 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge