NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 542 of 2021

- Bhuneshwar Dhiwar, S/o Shri Shivratan Dhiwar, aged about 35 Years, R/o Charauda, Police Station Arang, District Raipur (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer - Arang, District Raipur (Chhattisgarh).

----Non-applicant

For Applicant	Mr. Wasim Miyan, Advocate.
For State	Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

28/01/2021

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 has been arrested in connection with Crime No.591/2020 registered at Police Station Arang, District Raipur, 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 5.760 bulk litres of country made masala liquor.

6. Learned counsel for the applicant submits that the applicant has

been falsely implicated in this crime, he is languishing in jail since 19.12.2020 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 that the applicant has no criminal antecedent as admitted by both the counsel and 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.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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh