

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 568 of 2021

1. Ramprasad Sahu S/o Jagmohan Sahu, Aged About 46 Years, Cast Teli, R/o Village Dudumchuwa, Thana Saraipali, District Mahasamud (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Saraipali, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Wasim Miyan, Advocate appears on behalf of Mr. Vikash Pradhan, Advocate.
For Non-Applicant/State	:	Ms. Ishwari Ghritlahare, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/03/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 27/12/2020 in connection with Crime No. 486/2020 registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of **10.900** bulk Ltrs. of liquor.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 27/12/2020 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has 02 criminal antecedents i.e. Crime No. 492/2014 & Crime No. 337/2017 for offence under Section 34(A) of Chhattisgarh Excise Act both registered at Police Station Saraipali, District Mahasamund (C.G.).
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that applicant has two criminal antecedents of the year 2014 & 2017 for the offence under Section 34(A) of Chhattisgarh Excise Act, considering the quantity of illicit liquor, the detention period of the applicant and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that 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. 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 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