

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 900 of 2021

- Santosh @ Thirli, S/o Ratan Lal Dahiya, Aged about 25 years, R/o Santoshi Ward Jagdalpur, District Bastar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through P.S. Bodhghat, District Bastar (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Vikash A. Shrivastava, Advocate
For Non-Applicant/State	:	Shri B.L. Sahu, Panel Lawyer,

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.03.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 12.03.2020 in connection with Crime No. 95/2020 registered in Police Station- Bodhghat, District Bastar (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Allegation against the present applicant is that he was found in illegal possession of 08.00 bulk liters of country made *mahuwa* liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 12.03.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. He submits that there are 28 criminal antecedents of the applicant registered at Police Station Bodhghat, District Bastar (C.G.) and out of which number of cases have been disposed of. He admits that there is no criminal antecedent of the applicant under the Excise Act.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that there are 28 criminal antecedent of the applicant out of which number of cases have been disposed of, and that

he has no criminal antecedent under the Excise Act, considering the quantity of illicit liquor, detention period of the applicant who is 25 years old, conclusion of the trial is likely to take some, there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.

6. It is directed that in the event of 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge