

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1053 of 2021

1. Sona Das Mahant S/o Fattu Das Mahant, Aged About 48 Years, R/o Village Purena Madwarani, Tahsil Kartala, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Urga, District Korba (C.G.).

---- Non-Applicant

For Applicant	: Mr. Basant Kaiwartya, Advocate.
For Non-Applicant/State	: Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/02/2021

- 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 26/01/2021 in connection with Crime No. 29/2021 registered at Police Station Urga, District Korba (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of **10** bulk Ltrs. of country liquor (*Mahuwa*) and 25 Quarters of Foreign liquor (**4.500** bulk Ltrs.) .
- 6) 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 26/01/2021 and

trial is likely to take some time for its 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. He submits that the applicant has as many as 4 criminal antecedents i.e. Istagash No. 04/17 for offence under Section 41(1-4) of Cr.P.C./379 of IPC, Crime No. 03/17 for offence under Section 403 of IPC, Crime No. 63/18 for offence under Section 285 of IPC and Crime No. 241/20 for offence under Section 385 of IPC registered at Police Station Uрга, District Korba (C.G.).
- 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 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