

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1218 of 2021**

- Madan Ogare, S/o Vijay Shankar, Aged About 30 Years, R/o Gada Kusmi, Post Jarve, Police Station Gidpuri, District Balodabazar-Bhatapara, Chhattisgarh. ---- **Applicant**

**Versus**

- State Of Chhattisgarh, Through The Station House Officer, Police Station Excise Circle Tilda, District- Raipur, Chhattisgarh. ---- **Non-Applcant/State**

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| For Applicant          | : | Shri Yogesh Kumar Chandra,<br>Advocate |
| For Non-Applcant/State | : | Shri Sudhir Sahu, P.L.                 |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**17.02.2021**

- 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 21.01.2021 in connection with Crime No.33/2021 registered at Police Station- Excise Circle Tilda, District- Raipur (C.G.) for the offence punishable under Section 34 (2), 59 (1), (2) of C.G. Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of 12.60 Ltrs. liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has

not committed any offence. He further submits that the applicant has five criminal antecedents under Excise Act (one case in 2008, two cases in 2011 and two more cases in 2012) and as the applicant has been arrested on 21.01.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application, however, the applicant has five criminal antecedents of similar nature.
- 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 the fact that the applicant has five criminal antecedents (one case in 2008, two cases in 2011 and two more cases in 2012) as admitted by both the counsels, there is no likelihood of the applicant tempering with the evidence or absconding and conclusion of the trial may take some time, therefore, without commenting anything on merits of the case, the application is allowed.
- 9) 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 following conditions :-

(a) 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.

(b) he shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) 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.

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**

Nadim