

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1392 of 2021

- Dinesh Kumar Mahilange, S/o Puniram Mahilange, aged about 32 Years, R/o Village Charpara, Police Station Malkharauda, District Janjgir Champa Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Malkharauda, District Janjgir Champa Chhattisgarh.

----Non-applicant

For Applicant	Shri Dharmesh Shrivastava, Advocate.
For State	Shri Sameer Uraon, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

23/02/2021

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 application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.47/2021 registered at Police Station Malkharauda, District Janjgir-Champa, 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 14 bulk litres of country made liquor (*Kachhi Mahuwa*).
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since

06.02.2021 and conclusion of trial is likely to take some time.

Therefore, applicant be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has one criminal antecedent of the year 2012.

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 only one criminal antecedent of the year 2012 and there is no likelihood of the applicant tampering with the evidence or absconding 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