

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1638 of 2021**

- Durgesh Kumar Uikey, S/o Gopal Uikey, aged about 19 Years, R/o Dera Para Birgaon Raipur, Police Station Khamtarai, Raipur Tehsil and District Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh.

----Non-applicant

For Applicant	Shri Y.C. Sharma, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board**08/03/2021**

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.61/2021 registered at Police Station Khamtarai, District Raipur, 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 10.59 bulk litres of liquor.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 27.01.2021 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 three criminal antecedents of the year 2016 & 2020 under Section 34(A) of the Excise Act i.e. bearing Crime Nos. 293/16, 321/16 & 11/2020.
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, who is 19 years old, that the criminal antecedents of the applicant are of the year 2016 & 2020 under the Excise Act, 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.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.

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

Akhilesh