

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1636 of 2021

- Abdul Sohail S/o Abdul Khalid Shiek Aged About 22 Years R/o H.No. 52 Bhandara Road Bharat Garage Javal Satranji Pura Nagpur Bagadganj (Maharashtra), District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station - Pandri Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri K.P.S. Gandhi, Advocate
For Non-Applicant/State	:	Shri Hari Om Rai, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.03.2021

1. Heard on admission.
2. The petition 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 1.12.2020 in connection with Crime No.194/2020, registered at Police Station Pandri Raipur, District Raipur(CG) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
5. It is the case of prosecution that the applicant along with some other co-accused persons was found in illegal possession of 17.280 bulk liters of foreign 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 co-accused persons have been released on bail by this Court in MCRC No.30/2021 vide order dated 8.1.2021 and the applicant is in jail

since 1.12.2020 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail by this Court.

7. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, he submits that the applicant has no criminal antecedent.
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 co-accused persons have been released on bail by this Court in MCRC No.30/2021; the applicant has no criminal antecedent 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 the 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:-

- (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.

Sd/-

**(Gautam Chourdiya)
Judge**