

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1902 of 2021**

- Aashish Chandel, S/o Ramchand Chandel, aged about 23 Years, R/o Village Raseda, Thana City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

----Non-applicant

For Applicant	Mr. Pragalbha Sharma, Advocate on behalf of Ms. Supriya Upasane, Advocate.
For State	Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

05/04/2021

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.120/2021 registered at Police Station City Kotwalil Baloda-Bazar, District Baloda Bazar-Bhatapara, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
5. Case of the prosecution, in brief, is that on 13.02.2021 upon

receipt of secret information the police of city Kotwali conducted raid in the house of co-accused Krishna Chandel and seized 45 bulk liters of foreign liquor from his house. During investigation, in his memorandum co-accused Krishna Chandel disclosed that the said liquor was left with him by the present applicant and, therefore, on 25.02.2021 the present applicant was arrested and from his possession the sale amount of liquor of Rs.1,000/- was seized.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 25.02.2021 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. However, he submits that the applicant has three criminal antecedents of the year 2018 & 2020 under Sections 34(A) & 34(2) of the Excise Act bearing Crime Nos. 04/18, 52/2020 and 138/2020 and one criminal antecedent of the year 2020 under Sections 294, 323, 506, 34 of Indian Penal Code bearing Crime No.853/2020.
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 23 years old and the fact that the liquor was seized from the possession of the co-accused Krishna Chandel, 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 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