

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1795 of 2021**

- Bhagirathi Sidar, S/o Dindayal Sidar, aged about 25 Years, Occupation Vehicle Driver, R/o Baramkela Tahsil Baramkela, District Raigarh, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer Baramkela, District Raigarh, Chhattisgarh.

----Non-applicant

For Applicant	Shri Manoj Kumar Jaiswal, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

15/03/2021

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 Baramkela, District Raigarh, C.G. for the offence punishable under Sections 34(2) & 59(A) of the C.G. Excise Act.
5. Allegation against the applicant is that he was found in illegal possession of 15 bulk litres of country made liquor (*Mahuwa*).

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 15.02.2021 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 only one criminal antecedent of the year 2020 under Section 34(1) of the Excise Act.
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 25 years old and the fact that the applicant has only one criminal antecedent 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.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