

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1971 of 2021

1. Lakhan Koshle S/o Mansaram, Aged about 26 years, R/o Bhagatsingh Ward Bhatapara, Tahsil- Bhatapara, District Baloda Bazar-Bhatapara (C.G.)
2. Dharmendra Kumar @ Pentar Manhare S/o Sohan Manhare, Aged about 26 years, R/o Panchsheel Nagar, Gurunanak Ward Bhatapara, Tahsil- Bhatapara, District Baloda Bazar-Bhatapara (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through the Police Thana-Bhatapara (Village), District Baloda Bazar-Bhatapara (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Deepak Jain, Advocate
For Non-Applicant/State	:	Shri Ashish Gupta, Panel Lawyer,

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.03.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 01.03.2021 in connection with Crime No. 76/2021 registered in Police Station- Bhatapara (Village), District Baloda Bazar-Bhatapara (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. It is stated by learned counsel for the State that there are number of criminal antecedents of applicant No.1 Lakhan Koshle and only one criminal antecedent of applicant No.2 Dharmendra Kumar @ Pentar Manhare under Section 36C of the Excise Act of the year 2019.
3. In view of the above submission made by learned counsel for the State, learned counsel for the applicants, seeks to withdraw the bail application on behalf of applicant No.1 Lakhan Koshle with liberty to file a fresh application as and when occasion arises.
4. Accordingly, the bail application on behalf of applicant No.1 Lakhan Koshle is dismissed as withdrawn with the liberty as stated above.
5. Now this Court considers the bail application on behalf of applicant No.2

Dharmendra Kumar @ Pentar Manhare.

6. Heard.
7. Admit.
8. With the consent of learned counsel for the parties, the matter is heard finally.
9. Prosecution case in brief is that on 01.03.2021 police of Police Station Bhatapara (Village) received information from the informant that two persons are transporting illicit liquor in their vehicle motorcycle Hero HF Delux bearing registration No. CG 22-P-2474 and on the basis of such information, the police conducted raid and searched them, they told their name as Lakhan Koshle & Dharmendra Kumar and they were found in illegal possession of 18.720 bulk liters of country made liquor.
10. Learned counsel for the applicants submits that applicant No.2 has been falsely implicated in this crime, he is languishing in jail since 01.03.2021 and conclusion of the trial is likely to take some time. Therefore, applicant No.2 be released on bail.
11. On the other hand, learned counsel for the State opposes the bail application of applicant No. 2 Dharmendra Kumar @ Pentar Manhare.
12. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that there is only one criminal antecedent of the applicant under the Excise Act of the year 2019, considering the quantity of illicit liquor, detention period of applicant No.2 Dharmendra Kumar @ Pentar Manhare who is 26 years old, conclusion of the trial is likely to take some, there is no apprehension of applicant No.2 tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application on behalf of applicant No.2 is allowed.
13. It is directed that in the event of applicant No.2 Dharmendra Kumar @ Pentar Manhare 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.

14. In the result, bail application on behalf of applicant No.1 Lakhan Koshle is dismissed as withdrawn and bail application on behalf of applicant No.2 Dharmendra Kumar @ Pentar Manhare is allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge