

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1933 of 2021

- Teklal Tondar S/o Shri Ratan Lal Tondar Aged About 30 Years R/o Village Khaira Setganga Police Station Fastarpur Tahsil And District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho Fastarpur District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

--Non-Applicant

For Applicant	:	Shri Deepak Jain on behalf of Shri Dheeredra Pandey, Advocate
For Respondent/State	:	Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/03/2021

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 first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 01.03.2021 in connection with Crime No.49/2021, registered at Police Station-Fastarpur, District Mungeli (CG) for the offence punishable under Section 34(2) of the C.G. Excise Act(wrongly mentioned in cause title of the impugned order 34(1)A2, 59(A) of the Excise Act).
5. Allegation against the applicant is that he was found in illegal possession of 5.220 bulk liters of country made 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 applicant has been arrested on

01.03.2021 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. He submits that there are two cases registered against the applicant vide Crime No.36/2018 under Sections 324, 34 of the IPC and Crime No.115/2020 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, 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 only two cases have been registered against the applicant 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.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:-
 - (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.
9. 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 nature of offence in future.

Sd/

(Gautam Chourdiya)
Judge

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