

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2127 of 2021

- Mohammad Imtiyaj S/o Mohammad Hasan, aged about 35 years, R/o Village Supela, Lakshmi Nagar, P.S. Supela, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – the Police Station OP Surgi, P.S. Basantpur, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Vipin Tiwari, Advocate
For Non-Applicant/State	:	Shri Hariom Rai, Panel Lawyer,

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.03.2021

1. Heard.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 26.01.2021 in connection with Crime No. 52/2021 registered in Police Station- Outpost Surgi, Basantpur, District Rajnandgaon (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. Allegation against the present applicant is that he was found in illegal possession of 225.00 bulk liters of foreign liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 26.01.2021 and conclusion of the trial is likely to take some time. He further submits that co-accused namely Moen @ Moend Banjare has already been granted regular bail by this Court vide order dated 26.02.2021 passed in M.Cr.C. No. 1377 of 2021. Therefore, the applicant be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, detention period of the applicant who is 35 years old, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, and that the co-accused has already been granted bail by this Court, without expressing any opinion on merits of the case, the bail application is allowed.
9. 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.

Sd/-

(Gautam Chourdiya)
Judge