

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1981 of 2021

Maheshwar Singh S/o Late Shri Ramsingh Ratnakar, aged about 36 years R/o Village Madwa, Police Outpost Girodhpuri, P.S. Gidhori, Distt. Balodabajar-Bhatapara (C.G.).

---- Applicant

Versus

State of Chhattisgarh through Station House Officer Police Outpost Girodhpuri, P.S. Gidhori Distt. - Balodabazar- Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Amit Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05/04/2021

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is in jail since 03/03/2021 in connection with Crime No. 37/2021 registered at Police Station- Outpost Gorodhpuri, P.S. Gidhori, Distt. Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story on 03/03/2021 a secret information was received by the officers of Police Outpost- Girodhpuri, P.S. Gidhori, Distt. Balodabazar- Bhatapara that the applicant has kept liquor for welling. On search, total 75 bulk liters of country made liquor was seized from the applicant. Offence was registered and the applicant was taken into custody.
3. Learned counsel appearing on behalf of the applicant submits the applicant is an innocent person and has been falsely implicated in the present case. He further submits that as per affidavit of brother of the

applicant apart from the present offence, crime No. 24/2020 under Section 34 (A) of the Chhattisgarh Excise Act and crime no. 237/2020 under Section 4 (K) of the Gambling Act have been registered. The applicant is in jail since 03/03/2021 and conclusion of trial is likely to take some time, therefore, he prays that the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the facts and circumstances of the case, particularly considering that the applicant is in jail 03/03/2021, there is only one criminal antecedent under Section 34 (A) registered against the applicant which of the year 2020, trial is likely to take some time and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. 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 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;
 - 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; and

- 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 canceled without further reference to the bench.

- 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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Rahul