

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2004 of 2021

- Yogendra Bhatpahari S/o Premdas Bhatpahari, Aged About 25 Years R/o. Village Junwani, Police Station Gidhpuri, District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Gidhpuri, District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Yogesh Kumar Chandra, Adv.
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18/03/2021

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 5.3.2021 in connection with Crime No.13/2021, registered at Police Station- Gidhpuri, District Balodabazar-Bhatapara(CG) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
5. Allegation against the applicant is that he was found in illegal possession of 17.640 bulk liters of foreign 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 5.3.2021 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 and submits that there is no criminal antecedent of the applicant.
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 no criminal antecedent is reported 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