

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2175 of 2021

1. Hitesh @ Hiteshwar Chandrakar S/o Chandrika Chandrakar, Aged About 24 Years, R/o Bhansuli (R), Police Station Ranitarai, Tahsil Patan, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, Durg District Durg (C.G.) And Also Through Police Station Ranitarai, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Dashrath Kushwaha, Advocate.
For Non-Applicant/State	:	Mr. V.K. Agrawal, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23/03/2021

- 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 in connection with Crime No. 96/2020 registered at Police Station Ranitarai, District Durg (C.G.) for the offence punishable under Sections 34(2) & 59(A) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of **6.300 bulk Ltrs.** of country made liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant who is 24 years in jail, charge sheet has been filed and trial is likely to take some time for its disposal. Therefore, the

applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that the applicant has 2 criminal antecedents i.e. under Sections 341, 294, 506, 323 & 34 of IPC and another under Section 151, 107, 116(3) of Cr.P.C. of the year 2020.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 24 years old, the quantity of illicit liquor seized from him, charge sheet has already been filed and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the applicant has no criminal antecedents under Excise Act and that 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. 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.

-Sd/-
(Gautam Chourdiya)
Judge