

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2374 of 2021

1. Parmanand Gayakwad S/o Babulal Gayakwad, Aged About 36 Years, R/o Village Nardha, P.S. Jamul, Tahsil And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through- Station House Officer, P.S. Excise Circle Dhamdha, Civil And Revenue, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Pawan Kumar Kashyap, Advocate.
For Non-Applicant/State	: Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/03/2021

- 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 02/03/2021 in connection with Crime No. 118/2020 registered at Police Station Excise Circle Dhamdha, Civil And Revenue, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of **09 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 36 years in jail since 02/03/2021 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 State opposes the bail application and submits that the applicant has 02 criminal antecedents i.e. in connection with Crime No. 150/2011 under Sections 294, 506B, 323 & 34 of IPC **and** Crime No. 307/2020 under Section 34(1) of Excise Act registered at Police Station Jamul (C.G.).
- 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 36 years old, the quantity of illicit liquor seized from him, and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, 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. 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 Court.

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**

Chandrakant