

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2390 of 2021

- Vinay Vishwakarma S/o Vasudev Vishwakarma, Aged about 35 years, R/o Village Magardhodhi Shikari Road Bouripara Ambikapur, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : S.H.O. P.S. Kotwali Ambikapur, District Surguja (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Nishi Kant Sinha, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

26.03.2021

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 12.11.2020 in connection with Crime No. 762/2020 registered in Police Station- Kotwali Ambikapur, District Surguja (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 20.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 12.11.2020 and conclusion of the trial is likely to take some time. 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 and there is no apprehension of the applicant tampering with the evidence or absconding, 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.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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge