

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2569 of 2021**

1. Dwarika Prasad Bharti S/o Late Maniram Bharti, Aged About 40 Years, Resident Of Bhadra, Police Station Kosir, Tahsil Sarangarh, District Raigarh (C.G.).

**---- Applicant**

**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station Kosir, District Raigarh (C.G.).

**---- Non-Applicant**

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For Applicant : Mr. Ashish Gupta, Advocate.

For Non-Applicant/State : Mr. Shrikant Kaushik, Panel Lawyer.

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**06/04/2021**

- 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 17/03/2021 in connection with Crime No. 59/2021 registered at Police Station Kosir, District Raigarh (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 **15 bulk** Ltrs. of country made liquor (Mahuwa).
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 17/03/2021, 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 as many as 03 criminal antecedents bearing Istagasha No. 05/2013 under Section 107 & 116(3) of Cr.P.C, under Crime No. 54/2019 under Section 34(1) of the Excise Act and Istagasha No. 160/2019 under Section 107 & 116(3) of Cr.P.C, registered at Police Station Kosir, District Raigarh (C.G.)
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, applicant has 1 criminal antecedent of Excise Act of the year 2019 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.

**-Sd/-**  
**(Gautam Chourdiya)**  
**Judge**