

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2365 of 2021

- Gaman Nishad S/o Mohan Nishad Aged About 34 Years Caste Kewat, R/o Budhwari Para, Ward No. 14, Dongargarh, Tehsil And Police Station Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri S.S. Baghel, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

31/03/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 14.3.2021 in connection with Crime No.148/2021, registered at Police Station- Dongargarh, District- Rajnandgaon(C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 36 bulk liters of foreign liquor.
3. 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 earlier 2 cases under Section 34(2) of the Excise Act were registered against the applicant in the year 2016 vide Crime No.950/2016 and in the year 2017 vide Crime No.284/2017, in which the applicant has been acquitted and only one case under Section 325 of the IPC registered in the year 2019 is pending against

the applicant. He submits that the applicant is in jail since 14.3.2021 and trial is likely to take some time for its final disposal, therefore, the applicant be released on bail by this Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, he submits that now only one case is registered against the applicant under Section 325 of the IPC in the year 2019.
5. 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 the applicant has been acquitted of the charges in 2 cases as mentioned above and only one case is pending against him 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/

(Gautam Chourdiya)
Judge