

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3085 of 2021

- Sabandas Gayakwad S/o Tarachand Gayakwad, aged about 24 years, R/o Sector-3, Gali No.17, Kushalpur, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station : Komakhan, District Mahasamund (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri C.R. Sahu, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.06.2021

1. The applicant had filed a certified copy of the impugned order with covering memo on 14.06.2021.
2. Certified copy of the impugned order is taken on record.
3. Heard on admission.
4. Admit.
5. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 29.04.2021 in connection with Crime No. 66/2021 registered in Police Station- Komakhan, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
6. The prosecution alleges that on a raid being conducted, 60.00 bulk liters of illicit liquor was seized from the possession of the applicant and co-accused Tarun Tiwari and the applicant and co-accused were arrested on 29.04.2021.
7. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. He is in jail since 29.04.2021, seizure has been made, no further investigation is necessary, therefore, he may be enlarged on bail. He also submits that co-accused namely Tarun Tiwari has already been granted regular bail by the coordinate bench of this Court vide order

dated 17.05.2021 passed in M.Cr.C. No.3089 of 2021.

8. Learned State counsel opposes the prayer for grant of bail.
9. Taking into consideration the nature of allegation and the quantity of liquor which has already been seized, offence is triable by the Judicial Magistrate First Class and the applicant is in jail since 29.04.2021, the applicant has no criminal antecedents as admitted by both the counsel, no further evidence is necessary, and the co-accused has already been granted regular bail by the coordinate bench of this Court, therefore, this Court is inclined to release the present applicant on bail. Accordingly, the bail application is allowed.
10. It is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.15,000/- with one surety in the like sum to the satisfaction of concerned trial Court for his regular appearance before it as and when directed.

Sd/-
(Gautam Chourdiya)
Judge