

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**MCRC No. 4622 of 2021**

- Mitthuram, S/o Punniram, Aged About 60 Years, R/o Village - Sothi, Tahsil and Police Station - Sakti, District- Janjgir-Champa, Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh, Through- Station House Officer, P.S. Excise Circle Sakti, District - Janjgir-Champa, Chhattisgarh.

**---- Non-Applicant**

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For Applicant : Shri Hari Agrawal, Advocate  
For Non-Applicant/State : Shri Alok Nigam, Government Advocate

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**06.07.2021**

- 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 06.06.2021 in connection with Crime No.35/2021, registered at Police Station- Thana- Excise Circle Sakti, District- Janjgir-Champa (C.G.) for the offence punishable under Section 34 (1) (a) & 34 (2) of C.G. Excise Act.
- 5) Case of the prosecution, in brief, is that the Police Station- Excise Circle Sakti had made seizure of 12 bulk liter of hand made country liquor (*mahua*) from the possession of the applicant on 06.06.2021.
- 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 is the first offender and he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant is in jail since 06.06.2021 and trial is likely to take some time for its final disposal. Hence, it is prayed that the applicant may be released on regular bail.

- 7) On the other hand, learned counsel for the State/Non-Applicant opposes the bail application and submission made by the counsel for the applicant. It is submitted that in total 12 bulk liter illicit liquor has been seized from the possession of the applicant. Hence, he is not entitled for grant of bail.
- 8) 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, who is 60 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 9) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on 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/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**

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