

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5920 of 2021

Babulal Banjare W/o Ratanlal Banjare, aged about 40 years R/o Village Sonbarsa, PS Kharsiya, District Raigarh (CG.)

---- Applicant

Versus

State of Chhattisgarh, through the SHO PS Dabhra, District Janjgir-Champa (CG.)

---- Non-Applicant

For Applicant	:	Mr. Hariom Rai, Advocate.
For Non-Applicant/State	:	Mr. Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 04/07/2021 in connection with Crime No. 267/2021 registered at Police Station Dabhra, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of **50 bulk Ltrs.** of country made liquor.
- 3) 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 04/07/2021 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has 01 criminal antecedent for offence under Section 34(1) of

Chhattisgarh Excise Act of the year 2020, therefore, the bail application may be rejected.

- 5) I have heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, particularly considering the quantity of illicit liquor, the detention period of the applicant who is 40 years old and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**.
- 7) It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- 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.
- 8) Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge