

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7247 of 2021

- Kumar Tandan, S/o Dharamdas Tandan, Aged About 32 Years, Resident of Village Dumarpali, Thana Khallari, Tahsil Bagbahara, District- Mahasamund, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Excise Officer, Excise Circle Mahasamand, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Vikash Pradhan, Advocate

For Non-Applicant/State : Shri K. K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

30.09.2021

- 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 08.09.2021 in connection with Crime No. 42/2021 registered at Excise Circle City Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of 36 Ltrs. handmade country liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant has been

arrested on 08.09.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has one criminal antecedent bearing Crime Number 281/2009 under Sections 294, 323 & 506 of IPC & one Istagasha bearing Istagasha No. 337/2010 registered under Sections 107, 116 (3) of CrPC.
- 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 32 years old and the fact that the applicant has no criminal antecedent under Excise Act, 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.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 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 strictly follow the COVID-19 protocol issued by the Central Government/State

Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

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

Nadim