

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7687 of 2021**

- Shyamlal Jangde, S/o Jagdish Ram Jangde, Aged about 35 years, R/o Village- Bade Katekoni, P.S.- Dabhara, District- Janjgir Champa (C.G.).

---- Applicant

Versus

- State of Chhattisgarh, through- Station House Officer, Excise Circle Dabhara, District- Janjgir Champa (C.G.).

----Non-applicant

For Applicant
For State

Shri C.P. Lahrey, Advocate.
Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

30/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No. 92/2021 registered at Police Station- Excise Circle Dabhara, District- Janjgir-Champa, 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 11 bulk litres of hand made liquor (*Mahuwa*).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He further submits that the applicant has been arrested on 14.09.2021. He lastly submits that there is no likelihood of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail

application. She submits that the applicant has seven criminal antecedents bearing Crime No. 543/2020 under Sections 294, 506, 323, 34 of the IPC, Crime No. 236/2021 under Section 36(च) of the Excise Act, Istagasa No. 245/16 under Sections 107, 116(3) of the Cr.P.C., Istagasa No. 28/16 under Sections 151, 107, 116(3) of the Cr.P.C. Istagasa No. 709/18 under Sections 107, 116(3) of the Cr.P.C., Istagasa No. 19/18 under Sections 107, 116(3) of the Cr.P.C., Istagasa No. 305/20 under Sections 107, 116(3) of the Cr.P.C.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the fact that the applicant has mainly two criminal antecedents and others are only preventive action taken against him, the detention period of the applicant, who is 35 years old and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of 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 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge