

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7801 of 2021

Sunil Kumar Panda S/o Murlidhar Panda Aged About 35 Years R/o Village Amlidih, P.S. And Tahsil Gharghoda, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Gharghoda, District Raigarh Chhattisgarh

---- Non-Applicant

For Applicant:

Shri Prahlad Panda, Advocate.

For Non-Applicant/State :

Ms Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25.10.2021

1. This is the 2nd bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.153/2021 registered at Police Station – Gharghoda, District – Raigarh, Chhattisgarh for the offence punishable under Sections 34(2) and 59(A) of CG Excise Act.
2. Earlier bail application was dismissed as withdrawn vide order dated 31.08.2021 passed in M.Cr.C No. 4067/2021 with liberty to revive the prayer at an appropriate stage.
3. Allegation against the Applicant is that he was found in illegal possession of 20 bulk liters of country made liquor.
4. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question and submits further that the Applicant has no criminal antecedents against him, there is no likelihood of

the Applicant tampering with the prosecution evidence or absconding, he has been arrested on 06.06.2021 and trial is likely to take some time for its final disposal. Therefore, the Applicant may be released on bail by this Court.

5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.

6) 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, there is no likelihood of the Applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.

7) It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs 10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on the following conditions :-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

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

Sd/-

(Deepak Kumar Tiwari)
Judge