

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7706 of 2021**

- Ashok Kumar Dewangan S/o Khorbahara Aged About 41 Years R/o Bus Stand, Dumardih, P.S. Utai, Tehsil And District Durg Chhattisgarh.,

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Anmol Sharma, Advocate.
 For State : Mr. Avinash K. Mishra, Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****26-10-2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C for grant of regular bail as he has been arrested and is in jail since 21-9-2021 in connection with Crime No. 369 of 2021 registered in Police Station- Utai, District Durg (CG) for the offence punishable under Section 34(2) of the CG Excise Act.
2. The case of the prosecution, in brief, is that on 21-9-2021 a secret information was received by Inspector of Police Station Utai that the applicant was transporting the liquor illegally on the basis of which Police party conducted raid and in the said raid the applicant was found in illegal possession of 8.640 bulk liters of liquor, thereby he committed the said offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 21-9-2021, the case is triable by Judicial Magistrate First Class, there is no possibility of tampering with the

evidence, charge sheet has been filed and conclusion of the trial is likely to take some time, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, considering the totality of the facts and circumstances of the case, in particular the quantity of illicit liquor, the detention period of the applicant, case is triable by Judicial Magistrate First Class and the fact that conclusion of the trial may take some time and looking to the gravity of the offence, I am inclined to grant regular bail to the applicant.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C is allowed. It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
7. It is made clear that the applicant shall not involve himself in any offence of similar nature in future, otherwise bail granted to him shall be liable to be cancelled without further reference to the Bench.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju