

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 7798 of 2021

Shankar Nishad S/o Bhagau Aged About 36 Years Caste Kawat, R/o Village Parsiya, Chowki Saket, P. S. Pathariya, District Mungeli Chhattisgarh
----- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Excise Circle Pathariya, District Mungeli Chhattisgarh
----- Non-Applicant

For Applicant: Shri Prasoon Agrawal, Advocate.
For Non-Applicant/State : Shri DC Verma, G.A.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

25.10.2021

1. This is the 1st 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.16/2021 registered at Police Station – Excise Circle, Pathariya, District – Mungeli, Chhattisgarh for the offence punishable under Sections 34(1)(A), 34(2) and 59(A) of CG Excise Act.
2. Allegation against the Applicant is that he was found in illegal possession of 28 bulk liters of country made liquor.
3. 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 23.09.2021 and trial is likely to take some time for its

final disposal, therefore, the Applicant may be released on bail by this Court.

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

5. 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.

6. 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

Priya