

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No.7921 of 2021**

- Gaman Nishad, S/o Mohan Nishad, Aged About 36 Years, Caste Kewat, R/o Budhwari Para, Dongargarh, District Rajnandgaon, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through The O. P. Chichola, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh

**---- Respondent**

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For Applicant  
For Respondent

Mr. S. S. Baghel, Advocate  
Mr. V. K. Agrawal, PL

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**Hon'ble Justice Shri Deepak Kumar Tiwari**

**Order On Board**

**27/10/2021**

1. The applicant has preferred this first bail application under Section 439 of CrPC for grant of bail, as he is arrested in connection with Crime No.37/2021, registered at Police Outpost Chichola, Police Station Chhuriya, District Rajnandgaon for the offence punishable under Section 34 (2) of the Excise Act.
2. The case of the prosecution in brief is that 6.300 bulk litres of illicit liquor was seized from the possession of the applicant, thereby he committed the said offence.
3. Learned counsel for the applicant submits that the applicant is

innocent and he has been falsely implicated in the crime in question. He further submits that the applicant has no previous criminal antecedents and there is no likelihood of the applicant in tampering with the prosecution evidence or absconding. The applicant is in jail since 14.09.2021 and the trial is likely to take some time, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, further considering the quantity of the liquor, applicant is in jail since 14.09.2021 and the trial is likely to take sometimes, this Court is of the opinion that the present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of ₹ 10,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, subject to following conditions:

(I) The applicant shall furnish coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court, which shall be verified from its original by the trial Court.

(II) The applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/ applicant 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-  
Deepak Kumar Tiwari  
Judge

Nirala