

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7886 of 2021**

Naunkar Lohar S/o Sadaram, aged about 56 years, R/o Village Dhansuli, Thana and Tahsil Mahasamund, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh through: Station House Officer, Police Station Mahasamund, District Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Adv. appears on behalf of Mr. Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

26/10/2021

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 352/2021 registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 53 bulk liters of country made liquor. The applicant was arrested on 22/09/2021.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant is in custody since 22/09/2021 and trial is likely to take some time, therefore, he prays to release the applicant on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard counsel for the parties.
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 is likely to take some time, I am of the opinion that it is a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 10,000/- with one surety of the like sum amount to the satisfaction of the trial Court on 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;
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till the disposal of the trial;
 - (d) he shall furnish a copy of his Aadhar Card and recent colored passport size photo before the trial Court; and
 - (e) he shall not involve himself in any offence of similar nature in future.

Sd/-
(Deepak Kumar Tiwari)
Judge