

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7876 of 2021

Indal S/o Derha Sanvara Aged About 48 Years Resident Of Village Gaurkheda,
Thana Mahasamund, Tahsil And District Mahasamund Chhattisgarh. Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Excise Officer, Excise Circle, City
Mahasamund , District Mahasamund Chhattisgarh.

---- Non-Applicant

For Applicant: Shri Dharmesh Shrivastava, Advocate.
For Non-Applicant/State : Ms Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

26.10.2021

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.45/2021 registered at Police Station – Excise Circle, District – Mahasamund, Chhattisgarh for the offence punishable under Section 34(2) of CG Excise Act.
2. Allegation against the Applicant is that he was found in illegal possession of 15 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 he has no criminal antecedents against him and is in jail since 28.09.2021 and therefore, he may be released on bail.
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 some to the satisfaction of the concerned rial 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 submit a copy of his adhaar card along with a coloured passport size photo.

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

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya