

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9195 of 2020

- Sanjay Baghel, S/o Jhadi Ram Baghel, Aged About 22 Years
R/o. Village Mungadih, Police Station And Tahsil Basna, District
Mahasamund Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh, Through - The Excise Circle, Basna,
District Mahasamund Chhattisgarh. **---- Respondent**

For Applicant	: Shri H.A.P.S. Bhatiya, Advocate
For Respondent/State	: Shri Samir Oraon, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19.01.2021

1. This is the first 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 on 01.12.2020 in connection with Crime No. 49/2020, at Police Station- Excise Circle, Basna, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 65 bulk Ltrs. Liquor and 600 Kgs Mahua Lahan.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that the applicant has no criminal antecedent and as the applicant has been arrested on 01.12.2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the respondent/State opposes the bail application, however, the applicant has no

criminal antecedent.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor and *Mahua Lahan* was seized from the applicant, considering the quantity of seized article, the detention period of the applicant and the fact that the applicant is first offender and he has no criminal antecedent as admitted by both the counsels and conclusion of trial may take some time, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail 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, 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/-

**(Gautam Chourdiya)
Judge**

Nadim