

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 10295 of 2021**

Ganesh Bhariya, S/o Dhyan Singh, aged about 27 years, caste Bariya, R/o Village Dumariha, Police Station Gaurela, District Gaurela – Pendra – Marwahi (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Gaurela, District Gaurela – Pendra – Marwahi (C.G.)

----Non-applicant

For Applicant	:	Mr. Dashrath Prajapati, Advocate.
For Non-applicant	:	Mr. Siddharth Dubey, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board**

27-12-2021

(1) As per applicant, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.

(2) The applicant has been arrested in connection with Crime No. 464/2021 registered at Police Station Gaurela, District – Gaurela – Pendra- Marwahi (C.G.) for commission of offence punishable under Sections 34(2), 59 (क) of C.G. Excise Act.

(3) Case of the prosecution, in brief, is that the applicant was found in possession of 14 bulk liters of country made liquor on 17.12.2021, which he was carrying unauthorizedly for sale.

(4) Counsel for the applicant would submit that this is first crime registered against the applicant; applicant has been falsely implicated in the crime in question as no seizure has been made from him. He further submits the the applicant is languishing in jail since 18.12.2021 and he is permanent resident of District Gaurela-Pendra-Marwahi, therefore,

there is no chance to influence the prosecution witnesses and absconding of the accused/applicant and conclusion of the trial is likely to take considerable time, thus, the applicant may be enlarged on bail.

(5) Per contra, Counsel for the State opposes the bail application filed by the applicant.

(6) I have heard learned counsel for the parties.

(7) Looking to the entire facts and circumstances of the case, quantity of the liquor seized from the possession of the applicant and detention period of the applicant, I feel inclined to allow the bail application. Accordingly, the bail application is allowed.

(8) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(9) In view of above, I.A. No. 1/2021, application for urgent hearing & I.A. No. 2, application for hearing the case during winter vacation stand disposed of.

Certified copy, as per rules.

Sd/-
(N.K.Chandravanshi)
Vacation Judge

D/-

