

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 10308 of 2021**

Mahettar Patel, aged about 52 years, Son of Hetram Patel, Caste Marar, R/o. Village Ganiyari, Police Station Urga, Tahsil Kartala, District Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : the District Magistrate Korba [Excise Circle Korba (South)], District Korba (C.G.)

----Non-applicant

For Applicant	:	Mr. Basant Kaiwartya, Advocate.
For Non-applicant	:	Mr. Siddharth Dubey, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi

Order On Board

30-12-2021

(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. 126/2021 registered at Excise Circle Korba (South), District Korba (C.G.) for commission of offence punishable under Sections 34(1)(A), 34(2) & 59(A) of C.G. Excise Act.

(3) Case of the prosecution, in brief, is that the applicant was found in possession of 15 bulk liters of illicit liquor, which he was carrying without authority of law.

(4) Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as no seizure has been made from him. He further submits that the applicant is in detention since 17.12.2021 and the applicant is permanent resident of District Korba, 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 and perused the case diary.

(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. 01/2021 & I.A. No. 02/2021 stand disposed of.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Vacation Judge

D/-

