

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3315 of 2022

Tambradhawaj Mandavi S/o Shanakr Lal Mandavi Aged About 35 Years R/o Awaspara, Village Korar, P.S. And Tahsil - Korar, District Kanker (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through P.S. - Balod, District Balod **---- Non-Applicant**

For Applicant: Shri Hemant Gupta, Advocate.
For Non-Applicant/State : Shri GP Kurre, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

29.04.2022

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.116/2022 registered at Police Station – Balod, District – Balod, Chhattisgarh for the offence punishable under Sections 34(2) and 36 of the CG Excise Act.
2. Allegation against the Applicant is that he was found in illegal possession of 259.20 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 is in jail since 16.03.2022, conclusion of trial is likely to take quite some time, 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, considering the detention period and the seizure witnesses have not supported the case of the prosecution and turned hostile, there is no likelihood of the Applicant's tampering with the prosecution evidence

or absconding and conclusion of trial may take some time, without further commenting anything on merits, I am inclined to allow the application.

6. Accordingly, the bail application filed under Section 439 Cr.P.C is allowed and it is directed that in the event of the Applicant's executing a personal bond for a sum of Rs 50,000/- with two sureties in the like sum to the satisfaction of the concerned trial 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) the Applicant and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.
- (e) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge

Priya