

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3386 of 2023**

- Devashish Mongraj @ Devashish Harijan S/o Priyamati Mongraj Aged About 23 Years R/o Khadanga, Police Station Raighar, District : Nabarangapur, Odisha. (Surname is not mentioned in the impugned order).

---- Applicant**Versus**

- State of Chhattisgarh, Through: Excise Circle- Devbhog, District : Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Adv.
For Respondent/State	:	Mr. Ali Asgar, Dy. A.G.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****29/05/2023**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 12/2023 registered at Police Station- Excise Circle-Devbhog, District - Gariyaband (C.G.) for the offence punishable under Sections 34(1)(d) and 34(2) of C.G. Excise Act.
2. As per the prosecution case, it is alleged that the applicant was apprehended with 80 liters of tadi (छिंद रस-ताडी) in his possession without any authority and thus the applicant has been arrested.
3. Learned counsels for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant is in custody since 19.04.2023, and the trial is likely

to take some time for its final disposal, therefore, the applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant and also considering the fact that the applicant is in custody since 19.04.2023, I am inclined to grant him regular bail. Accordingly, the application filed under Section 439 of the Code of Criminal Procedure is allowed.
6. It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed, he shall be released on bail subject to the following conditions :-
 - (i) He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - (ii) He shall not make any attempt to tamper with the prosecution witnesses.

It is made clear that if any of the conditions is violated by the applicant and brought to the notice of the trial Court, the trial Court would be at liberty to cancel the bail granted to the applicant.

Sd/-
(Sanjay Kumar Jaiswal)
Vacation Judge