

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4254 of 2023

- Minketan Seth S/o. Late Pardesh Seth, Aged About 32 Years Caste - Dhobi, R/o. Dewalbhata, Police Station - Saraipali, District - Mahasamund Chhattisgarh

--- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Saraipali, District - Mahasamund Chhattisgarh

--- Respondent

CAUSE TITLE TAKEN FROM CIS PERIPHERY

For Applicant : Mr. Dinesh Yadav, Adv.
For Respondent/State : Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

30.06.2023

This application under Section 439 Cr.P.C. for grant of bail has been filed by the accused/applicant who is languishing in jail since 08.06.2023 in connection with **Crime No.149/2023** registered at Police Station Saraipali, District – Mahasamund for the offence punishable under Section 34 (2) of the CG Excise Act.

2 As per prosecution story, on the basis of secret information, the police has seized 15 bulk liter liquor from the illicit possession of the accused/applicant.

3. Learned counsel for the applicant submits that the accused/applicant is innocent and has been roped in a false case. He further submits that there is no cogent evidence to show that the said liquor was seized from the illicit possession of the applicant. The applicant is behind the bar and conclusion of the trial is likely to take some more time therefore, the applicant may be released on bail. He

also submits that the applicant would abide all terms and conditions imposed on him while granting bail.

4. *Per contra*, learned State counsel opposes the prayer for bail. However, learned State counsel submits that as per case diary, there is no previous criminal antecedents of similar nature against the accused/applicant.

5. Having considered the submission of counsel for the parties and considering the facts and circumstances of the case, further considering the period of pretrial detention of the applicant and the quantity seized, I am inclined to release the applicant on bail.

6. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail on the following conditions:-

- (a) he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (b) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of case,
- (c) the applicant and the sureties shall submit a copy of their Aadhar Card along with a coloured postcard full size photo having printed the Aadhar number on it, which shall be verified by the concerned trial Court.
- (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge

yasmin