



2024:CGHC:46066

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8120 of 2024

Purushottam Kurre S/o Late Phooldas Kurre Aged About 55 Years R/o Village Pachri, P. S. Patewa, Tehsil Jhalap, District Mahasamund Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through Police Station Patewa, District Mahasamund Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Shubhank Tiwari, Advocate.
For Non-applicant/State	:	Mr. U.K.S. Chandel, Deputy A.G.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

25.11.2024

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 176/2024, registered at Police Station : Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The case of the prosecution, in brief, is that on 21.10.2024, the police of Police Station : Patewa, District – Mahasamund (C.G.),

received an information from the informant and on the basis of the said information conducted a raid and seized 20 bulk liters of country made liquor from the possession of the present applicant. Thereafter, Police has registered an offence punishable under Section 34(2) of the C.G. Excise Act against the present applicant.

3. It is argued by the learned counsel for the applicant that the applicant is falsely implicated in this case. He further submits that the present applicant has 02 previous criminal antecedents in 01 case he has already been acquitted for the offence under Section 34-1 of the C.G. Excise Act and another case is pending. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years, and the applicant has been in jail since 21.10.2024 and the trial is likely to take some time for its conclusion, therefore, he prays grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and also endorse the submissions made by the learned counsel for the applicant that the present applicant has 02 previous criminal antecedents, out of which one case is under the Excise Act and also submits that the charge-sheet has already been filed before the competent Court. He also submits that from the possession of the present applicant 20 bulk liters of country made liquor was seized, therefore, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case-diary.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the present applicant has 02 previous criminal antecedents in 01 case he has already been acquitted for the offence under Section 34-1 of the C.G. Excise Act and another case is pending and also considering the fact that the charge-sheet has been filed and he has been in jail since 21.10.2024 and conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.
7. Let applicant, **Purushottam Kurre**, involved in Crime No. 176/2024, registered at Police Station : Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act, be released on bail on furnishing **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-
- (i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
 - (ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan