

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2675 of 2017**

- Sanju Tandi S/o Shri Harilal Tandi, Aged about 23 Years, R/o Nehru Nagar, Behind Prakash Kirana Stores, Post Office Raipur, Police Station City Kotwali, Raipur, District Raipur (Chhattisgarh). ---- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Raipur (Chhattisgarh). ----**Non-applicant**

 For Applicant :- Shri Shivendu Pandya, Advocate.
 For the State/Respondent :- Shri Aditya Sharma, Panel Lawyer

SB: Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-05-2017

1. Heard on application under Section 439 of the Code of Criminal Procedure, 1973 filed by the applicant for releasing him on regular bail.
2. It is submitted by learned counsel for the applicant that the accused/ applicant has been arrested in connection with Crime No.275/2016, registered at Police Station City Kotwali, District Raipur (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act, on 18-10-2016 and committed to custody. It is also submitted that charge-sheet has been filed. The case before the trial Court is likely to take some time for its disposal. The applicant is a local resident of District Raipur and is willing to abide by the conditions imposed upon him for grant of bail. Hence, the applicant be enlarged on bail.
3. On the other hand, learned State counsel has opposed the bail application.
4. I have heard learned counsel appearing for the parties and perused the case diary of Crime No. 275/2016 of Police Station City Kotwali, Raipur.
5. On 18-10-2017, in total 5.760 bulk liters of country made liquor has been seized from the possession of the applicant. Though the applicant has

criminal antecedent with respect to the offence under this Act but this is the first offence registered against him. Considering that applicant is a local resident of District Raipur and the case before the trial Court is likely to take some time for its disposal and also nature of the case, it is a fit case where the applicant should be extended benefit of bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions :

1. That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
2. That the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant 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/her from disclosing such facts to the Court or to any police officer.
3. That, the accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial.

Sd/-
(**Rajendra Chandra Singh Samant**)
Vacation Judge