

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3300 of 2019**

- Chandru Waren @ Chandrakumar Waren, S/o Late Sonsai Waren Aged About 40 Years R/o Ward No. 4, Village - Reda, Police Station Dabhra, District Janjgir - Champa Chhattisgarh., (in Jail)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Excise Circle Dabhra, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---Non-Applicant

For Applicant	:Ms. Richa Dwivedi, Advocate.
For Respondent/State	:Shri Sudeep Verma, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20.05.2019**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.10/2019 registered at Police Station Excise Circle, Dabhra, Distt. Janjgir-Champa (CG) for the offence punishable under Section 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.

(2) Case of the prosecution, in brief, is that 20 bulk liters of illicit liquor was seized from the custody of the applicant without any authority of law and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and has not committed any offence. She

further submits that the applicant is in jail since 21.04.2019 and the charge sheet has not yet been filed and the investigation has mostly been completed. Lastly, she submits that as the trial is likely to take some time for its final disposal, therefore, he may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary.

(6) Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and in the light of principles laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014, decided on 05.01.2015) and further taking into consideration that the applicant is in jail since 21.04.2019 and the quantity of liquor seized from him and also considering the fact that the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) It is directed that on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, the applicant shall be released on bail, subject to following conditions:

- ◆ 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.
- ◆ 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.

- ◆ That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Vacation Judge