

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.9697 of 2018

Kamal Verma, S/o Bharat Lal Verma, aged about 29 years, Caste Lodhi, R/o Village Muteda, Tehsil & Police Station Khairagarh, District Rajnandgaon (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Dongargarh, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. Shaleen Singh Baghel, Advocate.
For Non-applicant:	Mr. A.N. Bhakta, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/01/2019

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.105/2018, registered at Police Station Dongargarh, Distt. Rajnandgaon, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915 and Section 307 read with Section 34 of the IPC.
2. The allegation against the applicant is that he had sold 171 litres of unauthorised liquor to the other co-accused and committed the offence.
3. Learned counsel for the applicant submits that co-accused Ajay Gupta has been granted bail by this Court on 14-6-2018 in M.Cr.C. No.4075/2018 and previously, other co-accused persons namely Prashant Sahu, Dileshwar & Shubham Uike have also been granted bail in M.Cr.C.Nos.3877/2018 and 3409/2018. Therefore, the present applicant may also be granted bail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of liquor seized is 171 litres, the offence is triable by the Magistrate First Class and the applicant is in jail since 30-10-2018, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- along with one local 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 investigation / 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/-
(Sanjay K. Agrawal)
Judge