

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1417 of 2020

- Manoj Kumar, S/o Shri Narendra Sahu, Aged About 27 Years, R/o Village- Dhagadipara, Thana & Tahsil- Bagbahra, District- Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Mahasamund, District- Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Adv.
For Respondent/State	: Mr. Vaibhav Kartikeya Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

04.03.2020

- The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 70/2020 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 49 (A) of Chhattisgarh Excise Act and Sections 409, 448 & 120-B/34 of I.P.C.
- The prosecution story, in brief is that, on 01.02.2020 at about 12:15 AM, the present applicant along with other co-accused persons had mixed water with the liquor bottle kept in the Government bottle and they have misappropriated an amount of Rs. 4,16,400/-. Thereafter, offence has been registered against the present applicant.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that no liquor has been seized from the possession of the present applicant but some materials like 505 numbers of cap of Goa Whisky, 5 numbers

of cartoon and each contains 48 numbers of empty bottles of Goa Whisky, total 240 number of bottles of Goa Whisky and one cartoon in which 48 numbers of Goa Special Whisky of broken seal has been seized. The applicant is in jail since 03.02.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicant is in jail since 03.02.2020 and 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court, subject to following conditions:
 - That, the applicant shall furnish a specific, undertaking that while on bail, he shall 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.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi