

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1758 of 2020**

- Devendra Kumar Sachdev S/o Shri Krishna Lal Sachdev (Wrongly Mentioned As Inder Lal Sachdev), Aged About 48 Years R/o Nehru Ward, Bhatapara, P.S. Bhatapara, Tahsil Bhatapara, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Bhatapara Gramin, District Balodabazar Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Mr. Anish Tiwari, Advocate.
For Respondent	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.03.2020**

- The accused/applicant has moved this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 47/2020 registered at Police Station -Bhatapara (Gramin) (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
- Vide order dated 26.02.2020, first bail application of the applicant was dismissed as withdrawn with liberty to renew the same at an appropriate stage.
- It is the case of the prosecution that, total 2652.480 bulk liters of illicit liquor was seized by the police from the custody of applicant and thereby committed the offence.
- Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question.

Referring to the statement of prosecution witnesses, he would further submit that the statements of the prosecution witnesses have been recorded and in their statement they have not supported the prosecution case before the trial Court. He further submits that as the applicant is in custody since 01.02.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.

- On the other hand, counsel for the State opposing the bail application and submits that the quantity of the seized liquor is so huge, therefore, he may not be granted bail.
- Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014), decided on 05.01.2015), if the facts of present case are examined, it is apparent that total 2652.480 bulk liters of illicit liquor has been seized from the applicant which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicant is in custody since 01.02.2020, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant that he has falsely been implicated in case and prosecution witnesses have not supported the case, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
- Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 10,00,000/- 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:

- 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/-
(Rajani Dubey)
Judge