

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3672 of 2020**

1. Sanjay Mishra son of Uday Bhan Mishra, aged about 45 years
2. Shivshankar, S/o Inderpal aged about 29 years

Both are residents of Gram-Semra, P.S.-Podi, Tehsil-Manendragarh, District-Koriya (CG)

---Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Manendragarh, (wrongly mentioned as P.S. Podi in rejection order), District-Koriya (CG)

---Non-applicant

For Applicants	:	Mr.Anil S. Pandey, Advocate
For Non-applicant	:	Mr.Siddharth Dubey, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

29/06/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.94 of 2020, registered at Police Station-Manendragarh, District-Koriya (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief, is that, 12.4 liters of illicit liquor was seized by the police from the present applicants.
4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been

implicated in crime in question. Applicant No.2 has filed affidavit stating that in most of the cases he has already been acquitted. The applicants are in custody since 21.3.2020.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard counsel appearing for the parties and perused the case diary.
7. Taking into consideration the submission of learned counsel for the applicants, considering the material available in case diary and the fact that the applicants have been arrested on 21.3.2020, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.
8. 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 ₹ 25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants shall be released on bail, subject to following conditions:
 - That, the applicants shall furnish a specific undertaking that while on bail, they will not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants

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/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

9. It is made clear that if the applicants have already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of In **Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu Writ Petition (C) No.1/2020), they need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if they have not furnished bail bonds earlier, then they will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-