

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3792 of 2020**

- Rakesh Yadav S/o Late Kaliram Yadav Aged About 46 Years R/o-Ward No. 11 Berla, Police Station & Tahsil-Berla, District-Bemetara, Chhattisgarh.

----- Applicant
(In Jail)

Versus

- State of Chhattisgarh Through- Station House Officer, P.S. Berla Revenue & Civil District- Bemetara, Chhattisgarh.

----- Respondent

For Applicant :- Mr. Keshav Prasad Gupta, Adv.
For State/Respondent :- Mr. Ravi Bhagat, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**07/08/2020**

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 applicant, who has been arrested in connection with Crime No. 100/2020,

registered at Police Station-Berla, District Bemetara (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that, 120.960 bulk liters of illicit liquor was seized by the police from the possession of co-accused namely Roshan Bhat.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. The illicit liquor was seized from the possession of co-accused namely Roshan Bhat and he has falsely been implicated in crime in question. He is in custody since 01/06/2020.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel appearing for the parties.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, it is apparent that the illicit

liquor i.e. 120.960 bulk liters has not been seized from the present applicant and he is in custody since 01/06/2020, this Court is of the opinion that present is a fit case, in which, the applicant 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 **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

9. It is made clear that if the applicant has 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 23/03/2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he 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 he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit