

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No. 6780 of 2020**

- Gulabdas Baghel Son Of Tulsiram Baghel Aged About 28 Years Resident Of Village - Limtara, Police Station- Simga, District- Balodabazar-Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Bhatapara (City), District- Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Shri Bharat Rajput, Advocate
For Respondent/State	: Shri Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27.11.2020.**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 15.6.2020 in connection with Crime No.288/2020 registered at Police Station Bhatapara (City), Distt. Baloda Bazar- Bhatapara (C.G.) for the offences punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915. First bail application of the applicant was rejected on 17.8.2020.
2. Case of the prosecution, in brief, is that, 69.120 liters of illicit liquor was seized by the police from the joint possession of the present applicant and co-accused.
3. Learned counsel for the applicant submits that charge sheet has been filed on 31.8.2020 and no custodial interrogation is required in the

present case, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and also considering that charge sheet has already been filed, this Court is of the opinion that present is a fit case wherein the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

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.50,000/-** with one 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:

(i) 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.

(ii) 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.

(iii) That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

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 in 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), he need not furnish bail bonds afresh and 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 bail bonds earlier, then he will be required to furnish bail bonds.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)

JUDGE