

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.7329 of 2020**

Mehboob Tawar, S/o Mehtab Tawar, aged about 60 years, R/o. Chataipara Quarters, P.S. Chavni Bhilai Tehsil and District Durg, Chhattisgarh

---Applicant**Versus**

State of Chhattisgarh Through S.H.O. Chawani, District Durg, Chhattisgarh

---Non-Applicant

For Applicant	:	Mr.B.P.Singh, Advocate
For Non-applicant	:	Mr.Sunil Otواني, Addl. A.G. with Mr.Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/12/2020**

1. The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.183/2020, registered at Police Station-Chawani Distt.Durg (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. First bail application of the applicant has been rejected by this Court vide order dated 20.7.2020 in M.Cr.C.No.3891 of 2020.
3. Mr.B.P.Singh, learned counsel for the applicant would submit that only 153 bulk liters of illicit liquor was seized from the possession of three accused, but it has wrongly been stated by the prosecution on account of certain mistake that 1530 bulk liters of illicit liquor was seized from the possession of three accused.
4. On instructions and after going through the case diary, Mr.Sunil Otواني, learned Additional Advocate General and Mr.Ravi Bhagat, learned Deputy Government Advocate for the State, would submit that only 153 bulk

liters of illicit liquor was recovered from the possession of three accused and there is no criminal antecedents of the present applicant.

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

6. Taking into consideration that only 153 bulk liters of liquor was seized from three accused persons and there is no criminal antecedents of the present applicant and he is in jail since 31.3.2020, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the second bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

8. 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 23.3.2020 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 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-