

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 615 of 2021

- Patthar Singh S/o Sardu Aged About 45 Years Caste- Binjhwar, R/o Village Dhaphdhap, Police Station Bankimongra, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bankimongra, District Korba Chhattisgarh., District : Korba, Chhattisgarh

--Non-Applicant

For Applicant	: Shri F.S. Khare, Advocate
For Non-Applicant/State	: Shri Ajay Kumrani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.02.2021

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 11.8.2020 in connection with Crime No.104/2020, registered at Police Station-Bankimongra, District Korba(C.G.) for the offence punishable under Section 49 A(1) d (3) of the C.G. Excise Act.
5. First bail application of the applicant was dismissed as withdrawn on 2.12.2020. As per learned counsel for the applicant, as the FSL report was not submitted before the trial court first bail application was withdrawn and now this second bail application has been filed after submission of the FSL report before the trial court.
6. Case of the prosecution is that on 7.8.2020, Tijaram Yadav,

Parsadi Yadav with Rajesh Gond purchased liquor from the applicant and consumed the same and on 8.8.2020, they were admitted to hospital due to serious health condition and during treatment Tijram Yadav and Parsadi Yadav died. On investigation, it was found that the liquor was not fit for human consumption. Based on this, an offence has been registered against the applicant and he was arrested.

7. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that no poisonous substance was found in the viscera of the deceased persons and on account of quarrel with Rajesh Gond, he threatened the applicant to see him and falsely implicated the applicant. He submits that charge sheet has been filed and there are 21 witnesses in this case and still trial has not commenced, therefore, at this stage, the applicant may be granted bail.
8. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that there are serious allegations against the applicant.
9. Having considered the submissions made by learned counsel for the parties, the nature of allegations against the applicant; the detention period and no poisonous substance was found in the viscera of the applicant and no definite opinion could be given by the Doctor and due to Covid-19 pandemic, yet trial is to be commenced and 21 witnesses are to be examined; and there is no likelihood of the applicant tampering with the evidence or absconding, without commenting on merits, I am inclined to grant bail to the applicant.
10. Accordingly, the bail application is allowed.
11. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he 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 from disclosing such fact to

the Court.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge

sunita