

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.705 of 2021

Hitesh Sahu, S/o Shri Devnandan Sahu, aged about 35 years, R/o Village Koma, P.S. Khallari, Tahsil Bagbahra, Distt. Mahasamund (C.G.)

(In Jail)
---- Applicant

Versus

The State of Chhattisgarh, Through Station House Officer, Police Station Patewa, Distt. Mahasamund (C.G.)

---- Non-applicant

For Applicant:	Mr. Sunil Sahu, Advocate.
For Non-applicant:	Mr. Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/02/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.38/2020, registered at Police Station Patewa, Distt. Mahasamund, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail.
3. Case of the prosecution, in brief, is that 135 bulk liters of illicit liquor was seized by the police from the present applicant.
4. Learned counsel for the applicant submits that this is the second bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence, he has falsely been implicated in the case, he has been arrested on 3-3-2020 and therefore, he may be released on bail. He further submits that this is the first offence alleged against the applicant and punishment

prescribed for the said offence is one year imprisonment, whereas the applicant remained in jail for more than 11 months and there is no progress in trial, as such, trial is likely to take some more time. If the applicant is not granted bail, he will suffer irreparable loss.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, the applicant is in jail since 3-3-2020, this is the first offence under Section 34(2) of the Excise Act alleged against the applicant, punishment prescribed for the alleged offence is one year imprisonment and trial is likely to take some time, I am 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 CrPC 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:
 1. 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.
 2. 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.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Soma