

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 877 of 2021

1. Sanjay Ghritlahre S/o Kunwar Lal Ghritlahre, Aged About 38 Years, R/o Village Khairghat, Thana Simga, District Baloda Bazar - Bhatapara (C.G.).
2. Vivek Singh S/o Sarath Singh (Wrongly Mention In The Impugned Order Sarathnath Singh), Aged About 32 Years R/o Tifra Bilaspur, District Bilaspur (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through The Police Thana Simga, District Baloda Bazar - Bhatapara (C.G.).

---- Non-applicant

For Applicants	: Mr. Deepak Jain, Advocate.
For Non-Applicant/State	: Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/04/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 13/01/2021 in connection with Crime No. 23/2021 registered at Police Station Simga, District Baloda Bazar - Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicants is that they were found in illegal possession of **288 bulk Ltrs.** of country made liquor.
- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. He submits that co-accused Suresh Kumar Nishad (in MCRC No. 750/2021), Dilip Kumar Ghritlahre (In MCRC No. 856/2021), Devesh Sinha (in MCRC 1214/2021) and Sunil Reddy (In MCRC No. 1371/2021) have already been granted regular bail by this Court vide order

dated 12/03/2021. The applicants were arrested on 13/01/2021. He also submits that conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the State opposes the bail application and submits that the applicant No. 1 Sanjay Ghritlahre has 04 criminal antecedents i.e. in connection with Crime No. 342/16 under Section 34(4) of Excise Act, Crime No. 324/17 under Section 34(2) of Excise Act, Crime No. 70/18 under Section 34(2) & 36 of Excise Act **and** Istagasa No. 06/17 under Section 110 of Cr.P.C registered at Police Station Simga, District Baloda Bazar - Bhatapara (C.G.).
- 5) At this stage learned counsel for the State submits that applicant No. 1 Sanjay Ghritlahre has been acquitted in Criminal case bearing Crime No. 342/16 & Crime No. 224/16 Vide judgment dated 13/09/2018 & 05/01/2019 respectively. He submits that the applicant No. 2 Vivek Singh has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicants who is 38 & 32 years respectively and the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **four co-accused** have already been released on bail by this Court and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event **each** of the applicants 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, they shall be released on bail on the following conditions:-
 - i. they 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,

- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant