

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 871 of 2021

- Devraj Gaharwar, S/o. Kunjlal Singh, Aged About 57 Years, R/o Village - Baharmuda, Police Station - Pipariya, Tahsil - Kawardha, District – Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - District Magistrate, Kawardha, District – Kabirdham, Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.04.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this **Second Bail** Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 04.01.2021 in connection with Crime No.293/2020 registered at Police Station Pipariya, District- Kabirdham (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of 9 bulk Ltrs. Countrymade liquor.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 04.01.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has number of criminal antecedents.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, the detention period of the applicant and the fact that the applicant has number of criminal antecedents but looking to the quantity of liquor in the present case, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 9) 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim