

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1060 of 2021

- Mahesh Sen, S/o Suresh Sen, Aged About 22 Years, R/o Supela, Ward No. 12 Bhilai, Durg, District - Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station City Kotwali Balodabazar, District - Balodabazar - Bhatapara Chhattisgarh.

---- Non-Applicant/State

For Applicant	:	Mrs. Supriya Upasane, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.03.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 20.07.2020 in connection with Crime No. 464/2020 registered at Police Station City Kotwali Balodabazar-Bhatapara District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34 (2) of Excise Act.
- 2) Case of the prosecution, in brief, is that on 20.07.2020 Balodabazar police received secret information that near Latua village, the present applicant alongwith co-accused person were transporting illicit liquor in a vehicle bearing registration No. C.G. 07 A N 2733 made Eco Sport, police seized 225 liters of English liquor (goa) from the present

applicant and 9 liter liquor from the co-accused person.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant is 22 years old, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant is in jail since 20.07.2020, co-accused person namely Gurdeep Singh has already been granted bail by the co-ordinate Bench of this Court vide order dated 25.08.2020 in MCRC No. 5071 of 2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) 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 applicant, who is 22 years old, the fact that the co-accused person has already been granted bail by the co-ordinate Bench of this Court, the applicant has no criminal antecedents, 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.
- 6) 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