

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1235 of 2021

- Nandlal Jangde, S/o Shri Ashok Jangde, Aged About 21 Years, R/o Village Sudheli, P. S. City Kotwali, Baloda Bazar, District- Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh, Through: Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh. **---- Non-Applicant/State**

For Applicant	:	Shri Sumit Shrivastava, Advocate
For Non-Applicant/State	:	Shri Shrikant Kaushik, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

24.02.2021

1. This is the first 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 28.01.2021 in connection with Crime No. 61/2021, at Police Station- City Kotwali Balodabazar, District- Balodabazar- Bhatapara (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that upon receipt of secret information in the night intervening 22.01.2021 and 23.01.2021 the police party intercepted the vehicle Scorpio bearing registration No. C.G. 07 M 9445 in which two persons namely Arvind Sonkar and Rahul Pandit were found

carrying illicit liquor totaling 180 bulk litres of foreign liquor. In their memorandum statements, it was stated that they were taking the said liquor for selling to the present applicant. On the basis of the above, offence under Section 34 (2) of C.G. Excise Act has been registered against the accused persons.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that nothing has been seized from the possession of the applicant, he is not the owner of the vehicle in which the said liquor was transported, memorandum of co-accused cannot be legally used against the present applicant, the applicant has no criminal antecedents, the applicant has been arrested on 28.01.2021 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, the applicant has been arrested in this case on the basis of memorandum of co-accused persons, nothing has been seized from the possession of the applicant, age of the applicant, the detention period of the applicant, the fact that 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, 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