

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1234 of 2021

1. Dhanesh Markandey S/o Dujram Markandey, Aged About 38 Years, R/o Village Latua, P. S. Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through P. S. City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Hemant Gupta, Advocate.
For Non-Applicant/State	:	Ms. Shobha Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/02/2021

- 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 First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 01/02/2021 in connection with Crime No. 874/2020 registered at Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Case of the prosecution, in brief is that on 17/12/2020 upon receipt of secret information the Police party reached the indicated spot i.e. Mohtara Bhata where co-accused Ghanshyam, Tankar Prasad and Hemant were apprehended whereas one person taking advantage of the darkness fled from there whose name was subsequently disclosed by the co-accused as Dhanesh Satnami, R/o Latua i.e.

the present applicant. From the possession of the above three co-accused persons total **105.84** bulk liters of country made liquor was seized.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that co-accused i.e. Ghanshyam, Tankar Prasad and Hemant have already been granted regular bail by this Court vide order dated 21/01/2021 passed in MCRC No. 20/2021. He submits that the applicant has been arrested on 01/02/2021 and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the applicant be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation against the applicant, no liquor has been seized from the applicant, the detention period of the applicant, the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that 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 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 the following conditions:-
 - i. 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,

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

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant