

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1396 of 2021**

1. Rahul Sikarwar, S/o Late Ramswaroop Sikarwar, Aged About 35 Years, R/o Housing Board Colony, Industrial Area Bhilai, Thana Jamul, Tahsil and District Durg, Chhattisgarh
2. Chhotu @ Maksudan Bihari, S/o Late Shri Ramdahin Singh, Aged About 34 Years, R/o Village Nawagaon, At Present Jogidipa, Thana Patewa, Tahsil and District Mahasamund, Chhattisgarh

----- Applicants**Versus**

- The State Of Chhattisgarh, Through Station House Officer, Police Station Patewa, District Mahasamund, Chhattisgarh

----- Respondent

For Applicant	Mr. Samir Singh, Advocate
For Respondent	Mr. Sunil Otvani, Addl. AG

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****26/02/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail

to the applicants, who have been arrested in connection with Crime No.38/2020, registered at Police Station Patewa, District Mahasamund (C.G.), for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.

2. The first bail application of the applicants was dismissed on merits vide order dated 17.08.2020 in MCRC No.2930/2020.
3. The case of the prosecution in brief is that 135 bulk litres of illicit liquor was seized from the possession of the applicant No.1, whereas 127.260 bulk litres from the applicant No.2, total 262.260 bulk litres, thereby they committed the said offence.
4. Learned counsel for the applicants would submit that this is the first offence committed by the applicants and there is no criminal antecedents of the applicants, punishment is described only for one year

for the aforesaid offence and the applicants are in jail since 19.03.2020, the charge sheet has been filed and the trial is likely to take sometimes, therefore, the applicants may kindly be enlarged on bail.

5. On the other hand, learned State counsel would oppose the bail application.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, punishment is only for one year for the aforesaid offence, charge sheet has been filed, applicants are in jail since 19.03.2020 and the trial is likely to take sometimes, this Court is of the opinion that present is a fit case to release the applicants on regular bail.
8. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is

allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of ₹ **25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, subject to following conditions:

(I) The applicants shall furnish a specific undertaking that while on bail, they will not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall cooperate the prosecution during trial.

(II) The accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants 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/her from disclosing such facts to the Court or to any police officer.

(III) The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Sanjay K. Agrawal
Judge

Nirala