

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1434 of 2021

1. Sanjay Kumar Verma S/o Dattan Verma, Aged About 27 Years, Resident Of Village Ramnagar, Muktidham Bhilai, Tahsil And District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Simga, District Baloda Bazar Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Shaleen Singh Baghel, Advocate.
For Non-Applicant/State	:	Mr. Hariom Rai, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

23/02/2021

- 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 23/11/2020 in connection with Crime No. 326/2020 registered at Police Station Simga, 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 receipt of secret information, the Police party reached the indicated place on 06/10/2020. When the Police party signaled the vehicle Scorpio bearing No. CG04 B 5611 for stopping the same, the driver drove away the vehicle speedily and one of the person sitting in the said vehicle jumped off the vehicle. The Police party chased

the said vehicle and seized total **414** bulk Ltrs. of foreign liquor. The Driver of the vehicle disclosed his name as Devendra Jangde. During investigation the present applicant was also arrested alongwith other co-accused persons.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that similarly situated co-accused Ramnath Sao @ Raju Gupta has already been granted regular bail by this Court vide order dated 19/01/2021 in MCRC No. 9260/2020. He further submits that the applicant has been arrested on 23/11/2020 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 detention period of the applicant and the fact that 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 similarly situated co-accused has 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