

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1874 of 2021

Manoj Verma, S/o Khemchand Verma, aged about 33 years, Caste Lodhi,
R/o Village Chaitukhpari, Police Chowki Mohara, Tahsil Dongargarh, District
Rajnandgaon (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station
Dongargarh, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. Shivendu Pandya, Advocate.
For Non-applicant:	Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/03/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.171/2020, registered at Police Station Dongargarh, Distt. Rajnandgaon, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. This is the second bail application filed on behalf of the applicant for grant of bail. First bail application was dismissed on 14-9-2020.
3. Case of the prosecution, in brief, is that 699.840 bulk liters of illicit liquor was seized by the police from the possession of the present applicant and two other co-accused persons.
4. Learned counsel for the applicant submits that this is the second bail application filed on behalf of the applicant for grant of regular bail, the applicant has not committed any offence, he has falsely been

implicated in the case, he has been arrested on 20-4-2020 and since then he is in jail, therefore, he may be released on bail. The punishment provided under Section 34(2) of the Chhattisgarh Excise Act, 1915, is imprisonment for one year and in this case, the present accused / applicant is in jail for more than eleven months, trial is likely to take some more time and charge-sheet has already been filed.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Taking into consideration the condition incorporated in Section 59-A(ii) of the Chhattisgarh Excise Act, 1915, and bearing in mind the principles of law laid down in the matter of Banti Singh v. State of Chhattisgarh¹, if the facts of the present case are examined, it is apparent that 699.840 bulk liters of illicit liquor was seized from the possession of the present applicant and two other co-accused persons which is more than the prescribed limit of 5 bulk liters, but looking to the fact that it is the first offence of the applicant under Section 34(2) of the Excise Act and he is in jail for more than eleven months, the case is triable by the Judicial Magistrate First Class, trial is likely to take some more time and further taking into account the nature and gravity of offence and the plea raised by the applicant that he has falsely been implicated in the case, I am of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the CrPC is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

1 2015(2) C.G.L.J. 341

concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

1. That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
2. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant 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.
3. That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma