

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1726 of 2021

Anil Viz Bannu Verma, S/o Late Shambhoo Prasad Verma, Aged About 54 Years, R/o Ward No. 03, Kawardha Road, Bemetara, District-Bemetara (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Department of Excise Circle (Circle has not mentioned in the impugned order) Bemetara City, District-Bemetara (C.G.)

--- Respondent

For Applicant : Mr. Sudhir Verma, Advocate.

For State/ Respondent : Mr. Rakesh Sahu, Dy. Govt. Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

17/05/2021

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 is in jail since 21.01.2021 in connection with Crime No. 159/2021, registered at Police Station- Excise Circle Bemetara City, District- Bemetara (C.G.) for the offence punishable under Section 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.
2. Allegation against the applicant is that during search of residential house of applicant at Village- Jewara, District-Bemetara (C.G.) on 21.01.2021, he has informed that liquor was

kept in Jat Form House. It has also been alleged that in the form house at Village- Jewara, co-accused- Kuleshwar Vaishnav was present in small Mazda Vehicle No. C.G. 04 H.Z.- 0834 and 450 bulk liter foreign liquor Goa Whiskey was seized from the vehicle. As per information of the applicant, 180 bulk liter liquor was seized from ground floor of Jat Form House and 760 bulk liter drum spirit was seized in the room of first floor of Jat Form House.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the residential house of the applicant is situated at Village- Jewara, District- Bemetara (C.G.) where liquor and spirit were not found. The officer of the prosecution was asked to the applicant to come with him to go Jat Agriculture Form Jewara to guide the officer to reach Jat Agriculture Form, Jewara, but the applicant went with him to Jat Agriculture Form at Jewara. It has been wrongly said that the seized liquor belonged to applicant and one Kuleshwar Vaishnav, thereafter, the applicant was arrested on 21.01.2021 for committing the offence under Section 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.
4. It is further submitted that for involving the person for the offence punishable under Section 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act, seizure from possession of the applicant is important and must. In the present case, seizure of liquor and spirit are neither from the applicant nor from his residential house. Hence, it is prayed that this applicant may be

enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application submitting that more than 5 bulk liter quantity of liquor and spirit has been seized from the complainant, therefore, he is not entitled to grant bail. Hence, the application for grant of bail may be rejected.
6. Heard learned counsel for both the parties and perused the case diary.
7. Considered the facts and circumstances of the case, quantity of illicit liquor, the applicant is in jail since 21.01.2021 and the fact that the offence is triable by Magistrate and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 2,00,000/- with two solvent sureties for the like amount to the satisfaction of the concerned trial court. He shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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 matter which will be prejudicial to fair and expeditious trial.
- (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, and
- (iv) 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 this Court.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge