

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1667 of 2021

1. Deepak Lakhera S/o Late Balmukund, Aged About 27 Years, R/o Durga Nagar Qtr. No. 59/02, Police Station Balganga, Indore Madhya Pradesh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Of Police Of Police Station Podi, District Koriya (C.G.).

---- Non-Applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.

For Non-Applicant/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/03/2021

- 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 16/11/2020 in connection with Crime No. 141/2020 registered at Police Station Podi, District Koriya (C.G.) for the offence punishable under Sections 34(1-क)(2), & 59(क) of Chhattisgarh Excise Act.
- 5) Case of the prosecution, in brief, is that the Police party after receiving secret information seized a container – vehicle in which **2803 Bulk Liters** of foreign liquor was loaded. Co-accused Sunil Kumar & Narendra Singh was found to be owner of the said vehicle who was transporting the same with the help of co-accused Narendra Kumar and the present applicant was

driver of the said vehicle.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-accused Sunil Kumar & Narendra Singh Gupta have already been granted regular bail by this Court vide order dated 04/02/2021 in MCRC No. 9413/2020. He further submits that the applicant has been arrested on 16/11/2020, charge sheet has been filed 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 on ground of parity.
- 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 who is 27 years old, 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 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. 2,00,000/-** with two sureties of Rs. 1,00,000/- 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