

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1869 of 2021

1. Sonu Mahobiya @ Raunak Mahobiya S/o Santosh Mahobiya, Aged About 23 Years, R/o Ward No. 10, Nathiyapara, Dhamdha, Police Station And Tahsil Dhamdha, District Durg (C.G.). (As per Charge sheet)

---- Applicant

Versus

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

---- Non-Applicant

For Applicant	:	Mr. Roop Naik, Advocate.
For Non-Applicant/State	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/03/2021

- 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 18/01/2021 in connection with Crime No. 226/2020 registered at Police Station Chuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of **9.900 bulk Ltrs.** of country made liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that in the year 2018 the applicant was charged with offence under

Section 376 and 450 of IPC and Section 3(2)(vA) of SCST Act but vide judgment dated 26/02/2019 (Annexure A-2) he has been acquitted of the said charge. He further submits that the applicant who is 23 years in jail since 18/01/2021, charge sheet has been filed and trial is likely to take some time for its disposal. 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 and submits that the applicant is a habitual offender. In the past, offence under Section 4(A) of the Gambling Act bearing Crime No. 101/2018, under Section 110 of Cr.P.C. bearing Istagasha No. 25/18, under Section 151 of Cr.P.C. bearing Istagasha No. 23/2018 and under Sections 107, 116(3) of Cr.P.C. bearing Istagasha No. 55/18 were registered against him. However, he does not dispute that the applicant has been acquitted of the offence bearing Crime No. 142/2018 under Section 376 and 450 of IPC and Section 3(2)(vA) of SCST Act vide judgment dated 26/02/2019 (Annexure A-2).
- 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 23 years old, the quantity of illicit liquor seized from him, charge sheet has already been filed and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, the applicant has no criminal antecedents under Excise Act 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. 50,000/-** with two sureties of Rs. 25,000/- 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