

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 2648 of 2021

- Manish Soni S/o Late Parmanand Soni, aged about 35 years, Presently Residing at Katulbod, Durg, P.S. & District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate, Rajnandgaon, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant : Shri S.S. Baghel, Advocate

For Non-Applicant/State : Shri K.K. Singh, Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

23/07/2021

1. Heard.
2. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. as he is in jail since 23/01/2021 in connection with Crime No. 24/2021 registered in Police Station- Khairagarh, Distt. Rajnandgaon (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
3. First bail application of the applicant was dismissed as withdrawn vide order dated 26/02/2021 passed in M.Cr.C. No. 1106/2021 by this Court.
4. As per prosecution story, on 15/01/2021 a secret information was received by the police personnel that some persons are transporting illicit liquor. They reached to the spot and stopped the Safari car bearing registration No. CG04 KB 1007 and seized 225 bulk liters of foreign liquor from the said car. It is alleged that the applicant along with co-accused persons were transporting the said liquor.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he is in jail since 23/01/2021, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, co-accused persons have already been enlarged on bail and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
6. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, particularly looking to the fact that 225 bulk liters of liquor were seized from joint possession of four accused out of which three accused persons have already been granted bail by this Court except the present applicant and further considering the detention period of the applicant who is in jail since 23/01/2021 and the facts that there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
9. It is directed that in the event of 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 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

v. he shall not involve himself in any offence of similar nature in future.

10. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

rahul