

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3527 of 2021

Raysingh Sidar, S/o Shardha Sidar, aged about 52 years, R/o Village Paita,
Police Station Basna, Distt. Mahasamund (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Basna,
Distt. Mahasamund (C.G.)

---- Non-applicant

For Applicant: Mr. Kishore Narayan, Advocate.
For Non-applicant: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/06/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. 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.191/2020, registered at Police Station Basna, Distt. Mahasamund, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed on merits on 17-8-2020.
4. Case of the prosecution, in brief, is that 265 bulk liters of illicit liquor was seized by the police from the present applicant.
5. Learned counsel for the applicant submits that the applicant is in jail from 26-4-2020, charge-sheet has been filed and trial is likely to take

time. He further submits that no useful purpose will be served by further keeping the applicant in jail and therefore he may be released on bail.

6. On the other hand, learned State counsel opposes the bail application.
7. I have heard learned counsel appearing for the parties.
8. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and further keeping in view the punishment prescribed for the said offence, the applicant is in jail for more than one year and the trial is likely to take some time, I am of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.
9. 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 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