

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2984 of 2021

- Heman Das Dakkhani, S/o Late Jeevat Ram Dakkhani, Aged About 43 Years, R/o Tilda Camp, Tilda, P.S. Tilda, District- Raipur, Chhattisgarh. ---- **Applicant**

Versus

- The State of Chhattisgarh, Through- The Station House Officer, P.S. Khamtarai, District- Raipur, Chhattisgarh. ---- **Non-Applicant**

For Applicant	:	Mr. Neeraj Mehta, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.06.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 10.03.2021 in connection with Crime No.160/2021 registered at Police Station- Khamtarai, District- Raipur (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 2) Allegation against the applicant is that 3205.8 bulk liters of foreign liquor were seized from his godown.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the liquor was seized from the godown of the Manish Sajwani, during investigation no document was seized to prove that applicant purchased that godown on lease from Manish Sajwani. Charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. The applicant has been arrested on 10.03.2021 and trial is likely to take some time for its final disposal. It is further

argued that coordinate Bench has granted bail to the accused from whom 6181 bulk litres liquor was allegedly seized vide order dated 08.01.2018 in MCRC No. 7973 of 2017, therefore, on the ground of parity the applicant may be released on bail.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, the detention period of the applicant, who is 43 years old, charge-sheet has been filed, the applicant is first offender, the fact that the co-ordinate Bench has already granted bail to the accused who was arrested in the similar offence, the present applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.2,00,000/- with one surety of Rs. 2,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

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 offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim