

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3026 of 2021

- Reshamlal Dansena S/o Bhagau Ram Dansena, aged 32 years, R/o Village-Bayasi, Tahsil Dharamjaigarh, District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : P.S. Dharamjaigarh, District Raigarh (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Sanjay Agrawal & Shri Mohit Kumar, Advocates
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

And

M.Cr.C. No. 3154 of 2021

- Reshamlal Dansena son of Shri Bhagau Ram Dansena, aged about- 32 years, R/o Village- Bayasi, P.S. & Tahsil- Dharamjaigarh, District Raigarh, Civil and Revenue District Raigarh (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Police Station- Dharamjaigarh, Raigarh, District Raigarh (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Manoj K. Sinha, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.06.2021

1. Both the above first bail applications i.e. M.Cr.C. No. 3026/2021 & M.Cr.C. No. 3154/2021 preferred by the same applicant arise out of the same Crime No. 81/2021 registered in Police Station Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 34 (2) & 59 (A) of the CG Excise Act.
2. Previously the bail application i.e. M.Cr.C. No. 3026/2021 has been preferred by the applicant through his counsel Shri Sanjay Agrawal whereas subsequently the bail application i.e. M.Cr.C. No. 3154 of 2021 has also

been preferred by the applicant through his another counsel Manoj K. Sinha.

3. Since two bail applications preferred by the same applicant arise out of the same crime number are not maintainable, Shri Manoj K. Sinha, Advocate seeks to withdraw M.Cr.C. No. 3154/2021.
4. Accordingly, M.Cr.C. No. 3154/2021 is dismissed as withdrawn.
5. Now this Court considers the bail application i.e. M.Cr.C. No. 3026/2021.
6. Allegation against the present applicant is that he was found in illegal possession of 35.00 bulk liters of hand made *mahuwa* liquor.
7. Shri Sanjay Agrawal, learned counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 19.04.2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, detention period of the applicant who is 32 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application (M.Cr.C. No. 3026 of 2021) is allowed.
10. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with one surety of Rs.2,00,000/- 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/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.

11. 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.

12. In the result, bail application i.e. M.Cr.C. No. 3026/2021 is allowed on the above terms and conditions whereas bail application i.e. M.Cr.C. No. 3154/2021 is dismissed as withdrawn.

Sd/-
(Gautam Chourdiya)
Judge