

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3320 of 2021

Manish Soni, S/o Permanand Soni, Aged About 31 Years, R/o Village Mohara Ward No. 01 Police Chowki Mohara, Tahsil Dongargarh, District- Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

State of Chhattisgarh, Through- The Thana In-Charge, Police Station- Dongargarh, District- Rajnandgaon, Chhattisgarh. **---- Non-Applicant**

For Applicant	:	Shri S.S. Baghel, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.05.2021

- 1) Default pointed out by the Registry of this Court is overruled.
- 2) Heard on admission.
- 3) The application is admitted for hearing.
- 4) With the consent of the parties, the matter is heard finally.
- 5) First bail application was dismissed as withdrawn vide order dated 19.11.2020 in MCRC No. 2904 of 2020.
- 6) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 18.04.2020 in connection with Crime No. 168/2020 registered at Police Station Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 7) Allegation against the applicant is that he alongwith other co-accused persons were found in illegal possession of 2090.880 bulk Ltrs. of foreign liquor.
- 8) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that the co-accused persons namely Manish Rajput, Pramod Singh Rajput and Ishwar Sahu have already been granted bail by this Court or by co-ordinate Bench of this Court vide order dated 19.11.2020 in MCRC Nos. 4128 and 3531 of 2020, vide order dated 09.06.2020 in MCRC No. 2663 of 2020. Charge-sheet has already been filed, he in jail since 18.04.2020. It is further submitted that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. Due to the pandemic situation the trial of the case is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 9) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 10) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant, the fact that the other co-accused persons have already released by this Court and by co-ordinate Bench, the 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 looking to the pandemic situation conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 11) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

(e) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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)
Vacation Judge

Nadim