

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3289 of 2021

1. Rohit Sarthi S/o Shaukilal Sarti Aged About 31 Years,
2. Kartikeshwar Chauhan S/o Dashrath Chauhan Aged About 26 Years,
3. Virendra Sarthi S/o Sadanand Sarthi Aged About 26 Years,
4. Ramesh Sharthi S/o Shaukilal Sarthi Aged About 24 Years,
5. Ramcharan Sarthi S/o Amar Singh Sarthi Aged About 30 Years,

All are R/o Village Kharwanipara, Police Station Baramkela,
Tehsil- Baramkela, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- The Station House Officer Police Station Baramkela, District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri Manoj Kumar Jaiswal, Advocate
For Non-Applicant/State	: Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.06.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 06.05.2021 in connection with Crime No.152/2021 registered at Police Station-Baramkela, District- Raigarh (C.G.) for the offence punishable under Section 34 (2), 59 (A) of C.G. Excise Act.
- 2) At the outset, learned counsel for the applicant seeks to withdraw the bail application insofar as it relates to the applicant No.1 Rohit Sarthi.

- 3) Accordingly, the present bail application on behalf of applicant No.1 Rohit Sarthi is dismissed as withdrawn.
- 4) Allegation against the applicants is that they were found in illegal possession of 60 bulk Ltrs country made Liquor.
- 5) Learned counsel for the applicants submits that the applicants- Kartikeshwar Chauhan, Virendra Sarthi, Ramesh Sharthi and Ramcharan Sarthi have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants have no criminal antecedent, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and they are in jail since 06.05.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
- 7) 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 applicants namely Kartikeshwar Chauhan, Virendra Sarthi, Ramesh Sharthi and Ramcharan Sarthi, considering the quantity of illicit liquor, the detention period of the applicants, who are 26, 26, 24, 30 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the bail application on behalf of applicants namely Kartikeshwar Chauhan, Virendra Sarthi, Ramesh Sharthi and Ramcharan Sarthi is allowed.
- 8) It is directed that in the event each of the applicants namely Kartikeshwar Chauhan, Virendra Sarthi, Ramesh Sharthi and Ramcharan Sarthi 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, they shall be released on bail on the following conditions:-

- (a) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they 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 applicants involving themselves in similar offence in future.

In the result: bail application on behalf of Rohit Sarthi is dismissed as withdrawn whereas bail application on behalf of applicant Nos. 2 to 5 namely Kartikeshwar Chauhan, Virendra Sarthi, Ramesh Sharthi and Ramcharan Sarthi is allowed on above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge