

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**(Proceedings through Video Conferencing)**

**M.Cr.C. No. 3719 of 2021**

- Roshan S/o Toran Bhatt, aged 52 years, R/o Village Kumhi, Post Bargaon, Police Station & Tehsil Berla, District Bemetara (C.G.)

---- Applicant

**Versus**

- State of Chhattisgarh, Through – District Magistrate Bemetara, District Bemetara (C.G.)

---- State/Non-Applicant

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For Applicant : Shri Rajendra Kumar Patel, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

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**Hon'ble Shri Justice Gautam Chourdiya, J**  
**Order on Board**

**13.07.2021**

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 06.11.2020 in connection with Crime No. 356/2020 registered in Police Station- Berla, District Bemetara (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
3. As per prosecution case, on 11.09.2020 the police party received a secret information during patrolling and acting on the said information, they intercepted one Car bearing registration No. CG12-D9378 which was being driven by co-accused Ajay Singh and co-accused Nandulal Pardhi was sitting in car. From co-accused Nandulal 08.640 bulk liters liquor and from co-accused Ajay Singh 11.700 bulk liters liquor were seized. During investigation, both these co-accused disclosed that the aforesaid quantity of liquor was given to them by the present applicant for the purpose of selling.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since

06.11.2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court. He also submits that co-accused namely Nandlal Pardhi has already been granted regular bail by the coordinate bench of this Court vide order dated 03.11.2020 passed in M.Cr.C. No. 7071 of 2020 and co-accused namely Ajay Singh has already been granted regular bail by this Court vide order dated 04.02.2021 passed in M.Cr.C. No. 851 of 2021.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has number of criminal antecedents.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation against the present applicant that no liquor has been seized from him, the detention period of the applicant who is 52 years old, the fact that 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 pandemic, charge-sheet has already been filed, conclusion of trial may take some time, and that the co-accused persons have already been granted regular bail by this Court and the co-ordinate bench of this Court, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of applicant 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, he shall be released on bail, on 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

- 8. 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.

Sd/-  
**(Gautam Chourdiya)**  
Judge

vatti