

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3879 of 2021**

- Hemant Sang, S/o Late Shri Dhansai Sang, aged about 46 Years, R/o Village Rawanbhata, P.S. Gariyaband, District Gariyaband, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Gariyaband, District Gariyaband, Chhattisgarh.

----Non-applicant

For Applicant	Shri Pragalbha Sharma, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

13/07/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.139/2021 registered at Police Station Gariyaband, District Gariyaband, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act and Section 25 of the Arms Act.
3. Case of the prosecution, in brief, is that on 08.05.2021 the police acting on the tip-off by the informant intercepted the vehicle Bolero bearing No. CG-23-7555 in which the applicant along with other co-accused were travelling and seized total 44 bulk Ltr.

Liquor as also one 0.22 single bore rifle from their possession.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has one criminal antecedent under Section 379, 201, 34 of IPC bearing Crime No.18/2000 and he has been acquitted of the said offence by the trial Court, which is evident from the documents filed by him along with the covering memo. Applicant is in jail since 09.05.2021, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused persons namely- Anubhav Masih, Amit Chand and Mohd. Ayyub in this case have already been granted regular bail by this Court vide order dated 29.06.2021 in MCRC No.3288 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
5. On the other hand, learned counsel for the State opposes the bail application. However, he does not dispute that the applicant has been acquitted of the offence under Section 379, 201, 34 of Indian Penal Code and that applicant has no criminal antecedents.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor and the firearm have been seized, the quantity of liquor, the detention period of the applicant, who is 46 years old, the fact that the co-accused persons in this case have already been granted regular bail by this Court, the applicant has no criminal

antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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 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 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.

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