

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4534 of 2021

1. Roshan S/o Toran Bhatt, Aged About 52 Years, R/o Village Kumhi, Post Bargaon, Police Station And Tahsil Berla, District Bemetara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate Bemetara, District Bemetara (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rajendra Kumar Patel, Advocate.
For Non-Applicant/State	: Mr. Chitendra Singh, P.L..

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) Heard on admission.
- 3) The application is admitted for hearing.
- 4) With the consent of the parties, the matter is heard finally.
- 5) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973. The First Bail Application i.e. MCRC 867/2021 was dismissed as withdrawn on 10/03/2021.
- 6) The applicant is arrested on 08/08/2020 in connection with Crime No. 254/2020 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 7) Allegation against the applicant is that he alongwith other co-accused namely Santosh Chouhan & Keshari Sahu were found

in illegal possession of 54 bulk Ltrs. of country made liquor, out of which **36 bulk Ltrs.** was found in illegal possession of present applicant.

- 8) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 08/08/2020, and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.
- 9) On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has as many as 19 criminal antecedents, out of which 03 of the year 2020 under the Excise Act.
- 10) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 52 years old, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, applicant has 19 criminal antecedents and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the 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 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,
 - 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 Govt./State Govt./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**

Chandrakant