

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 5384 of 2021**

- Chetan Sahu, son of Ramayan Sahu, aged about 18 years, resident of Sirgitti, P.S. Sirgitti Tahsil and District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : The Railway Security Forces Settlement Post, Bilaspur, District Bilaspur (C.G.)

---- State/Non-Applicant

For Applicant- Chetan Sahu	:	Shri Ravi Maheshwari, Advocate
For Non-Applicant/State	:	Shri K.K. Singh, Government Advocate

Alongwith**M.Cr.C. No. 5307 of 2021**

- Vishal Kumar Tyagi, age 27 years, S/o Late Shri Lakesh Tyagi, R/o 248 K, Camp-2, Ward No. 26, Mahatma Gandhi Nagar, Bhilai-1, P.S.- Khurisipar, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, P.S. Suhela, District Baloda Bazar (C.G.)

---- State/Non-Applicant**M.Cr.C. No. 5342 of 2021**

- Vishal Kumar Tyagi, age 27 years, S/o Late Shri Lakesh Tyagi, R/o 248 K, Camp-2, Ward No. 26, Mahatma Gandhi Nagar, P.S.- Khurisipar, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, P.S. Simga (P.S. Suhela wrongly mentioned in order), District Baloda Bazar (C.G.)

---- State/Non-Applicant**M.Cr.C. No. 5338 of 2021**

- Vishal Kumar Tyagi, age 27 years, S/o Late Shri Lakesh Tyagi, R/o 248 K, Camp-2, Ward No. 26, Mahatma Gandhi Nagar, P.S.- Khurisipar, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, P.S. Palari, District Baloda Bazar (C.G.)

---- State/Non-Applicant

And

M.Cr.C. No. 5514 of 2021

- Vishal Kumar Tyagi, age 27 years, S/o Late Shri Lakesh Tyagi, R/o 248 K, Camp-2, Ward No. 26, Mahatma Gandhi Nagar, P.S.- Khurisipar, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, P.S. Baloda Bazar, District Baloda Bazar (C.G.)

---- State/Non-Applicant

For Applicant- Vishal Kumar Tyagi	:	Shri Devershi Thakur, Advocate
For Non-Applicant/State	:	Shri K.K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

10.08.2021

M.Cr.C. No. 5384 of 2021:

1. Defaults have not been removed.
2. Shri Ravi Maheshwari, learned counsel appearing on behalf of applicant – Chetan Sahu, is directed to remove the defaults within three days.
3. Shri Ravi Maheshwari submits that this bail application i.e. M.Cr.C. No. 5384/2021 has wrongly been listed with the above four bail applications i.e. M.Cr.Cs. No. 5307/2021; 5342/2021; 5338/2021 & 5514/2021.
4. Delink this bail application i.e. M.Cr.C. No. 5384/2021 from the bail applications i.e. M.Cr.Cs. No. 5307/2021; 5342/2021; 5338/2021 & 5514/2021.
5. List the bail application (M.Cr.C. No. 5384/2021) after the defaults are removed.
6. Now this Court considers the bail applications i.e. M.Cr.Cs. No. 5307/2021; 5342/2021; 5338/2021 & 5514/2021 filed on behalf of applicant- Vishal Kumar Tyagi.

7. Applicant- Vishal Kumar Tyagi has preferred these four respective first bail applications under Section 439 of Cr.P.C. as he is in jail since 07.06.2021 in connection with different crime numbers i.e. Crime No. 227/2020 registered in Police Station- Suhela; Crime No. 515/2019 registered Police Station Simga; Crime No.224/2020 registered in Police Station Palari & Crime No. 721/2020 registered in Police Station Baloda Bazar, District Baloda Bazar (CG) for the offence punishable under Section 34 (2) of Excise Act.
8. In Crime No. 227/2021 registered in Police Station- Suhela, on 30.12.2020 police has seized 34.560 bulk liters of illicit foreign liquor from the possession of co-accused Sankat Mochan while he was sitting in Alto Car No. CG 04 MS 7389. On the basis of memorandum statement of Sankat Mochan, applicant Vishal Kumar Tyagi has been made accused in this crime.

In Crime No. 515/2019 registered in Police Station- Simga, on 15.02.2019 police of Police Station Simga received information from the informant that in Maruti Car bearing registration No. MH 31 CR 7082 illicit liquor is being transported and on the basis of such information, the police chased the said vehicle and when the driver of the said vehicle saw the police, he parked the said vehicle on road near the over-bridge and ran away from the spot. When police party searched the said vehicle, they found 144.00 bulk liters of illicit foreign liquor. During investigation in Crime No. 721/2020 registered in City Kotwali, Baloda Bazar, applicant Vishal Kumar Tyagi confessed to have committed the aforesaid crime.

In Crime No. 224/2020 registered in Police Station- Palari, on 02.06.2021 police of Police Station Palari received information from the informant that in Pickup vehicle bearing registration No. CG 07 BD 7781 illicit liquor is being transported and on the basis of such information, in the entrance of main road of Palari, when the driver of the said vehicle saw the

police, he left the said vehicle and fled away from there. When police party searched the said vehicle, they found 702.00 bulk liters of illicit foreign liquor. During investigation in Crime No. 721/2020 registered City Kotwali, Baloda Bazar, applicant Vishal Kumar Tyagi confessed to have committed the aforesaid crime.

In Crime No. 721/2020 registered in Police Station- Baloda Bazar, on 29.10.2020 police of Police Station Baloda Bazar received information from the informant that co-accused Ramesh Dhidhi kept illicit liquor in his house. On the basis of such information, when the police party searched the house of Ramesh Dhidhi, they found 1719.360 liters of illicit foreign liquor in his house. On basis of memorandum statement of another co-accused Janiram, applicant has been made accused in this crime.

9. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that no seizure of illicit liquor has been made by the police from the possession of applicant Vishal Kumar Tyagi and illicit liquor found in the aforesaid vehicles were belonging to another persons. He further submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 07.06.2021 and due to Covid-19 pandemic, 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 in Crime No. 227/2020, co-accused persons namely Sankat Mochan and Naresh Kumar Nihal have already been granted regular bail by this Court vide order dated 18.01.2021 passed in M.Cr.C. No. 275/2021 and copy of bail order is filed in M.Cr.C. No. 5307/2021 marked as Annexure-A/2. In Crime No. 721/2020, co-accused persons namely Janiram Bharadwaj, Parsottam Kumar @ Sadhu Banjare, Hiradas alias Raja Kurre and Ramesh Dhidhi have already been granted regular bail by the coordinate bench of this Court vide common order dated 19.03.2021 passed

in M.Cr.C. No. 8508/2020; M.Cr.C. No. 234/2021; M.Cr.C. No. 1113/2021 & M.Cr.C. No. 8535/2021 and copy of bail order is filed in M.Cr.C. No. 5514/2021 marked as Annexure-A/2.

10. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications.

11. I have heard learned counsel for the parties.

12. Having regard to the facts and circumstances of the case, the fact that no liquor has been seized from the possession of applicant Vishal Kumar Tyagi and the illicit liquor found in the aforesaid vehicles are belonging to other persons, the detention period of the applicant who is 27 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, conclusion of trial may take some time, further that the co-accused persons have already been granted regular by this Court and coordinate bench of this Court in Crime No. 227/2020 & Crime No. 721/2020, without commenting anything on merits of the case, the applications i.e. M.Cr.Cs. No. 5307/2021; 5342/2021; 5338/2021 & 5514/2021 are allowed.

13. It is directed that in the event of applicant Vishal Kumar Tyagi 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 in each crime numbers i.e. 227/2020; 515/2019; 224/2020 & 721/2020, 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.

14. 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.

15. In the result, the bail applications i.e. M.Cr.Cs. No. 5307/2021; 5342/2021; 5338/2021 & 5514/2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

vatti