

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5230 of 2021

1. Samar Dhruv S/o Pushuram Dhruv, Aged About 23 Years, R/o Sahu Colony, Near Idea Tower, Mandir Hasaud, Police Station Mandir Hasaud, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Baghbahra, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Shubhank Tiwari, Advocate.
For Non-Applicant/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail in connection with Crime No. 46/2020 registered at Police Station Baghbahra, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 3) Allegation against the applicant is that he alongwith other co-accused were found jointly in illegal possession of **345.600 bulk Ltrs.** of liquor.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-accused Rakku @ Rukuddin (in MCRC No. 2576/2020 vide order dated 29/05/2020), Ramtilak @ Bhukhan Agrawal (in MCRC No. 6149/2020 vide order dated 02/12/2020), Pradip Bagh (in MCRC No. 2497/2021 vide order dated 09/04/2021) and Bajrang Singh (in MCRC No. 3231/2021 vide order dated 12/07/2021) have already been granted regular bail by this Court and Co-ordinate Bench of this Court. He further submits that the applicant has been arrested on

06/03/2020 and thereafter released on temporary bail in view of COVID-19 Pandemic. He submits that applicant has surrendered before the Trial Court on 10/02/2021, charge sheet has been filed, the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail on ground of parity.

- 5) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has no criminal antecedent.
- 6) 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 23 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused have already been released on bail by this Court and Co-ordinate Bench of this Court, 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