

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6293 of 2021

1. Parasram Bharadwaj S/o Late Jahajiram Bharadwaj, Aged About 34 Years, R/o Village Chherkapur, P.S. Palari, District Baloda-Bazar (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Baloda-Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant : Mr. Ram Sajiwan, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 07/07/2021 in connection with Crime No. 721/2020 registered at Police Station Baloda-Bazar, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
- 2) Case of the prosecution, in brief, is that the applicant and other co-accused persons are involved in illegal possession and sale of the huge quantity of foreign liquor in **1719.360** bulk litres. According to the prosecution, the liquor which was kept in the house of co-accused Ramesh was being supplied to different persons during lock-down without any authority of law. On report being lodged to the above effect, offence has been registered against the accused persons.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He submits that charge sheet has been filed, the applicant is in jail since 07/07/2021. He submits that the co-accused persons namely Janiram Bharadwaj (in MCRC No. 8508/2020), Parsottam Kumar @ Sadhu Banjare (in MCRC No. 234/2021), Hiradas @ Raja Kurre (In MCRC No. 1113/2021) & Ramesh Dhidhi (in MCRC No. 8535/2020) **and** Maniram Bhardwaj (in MCRC No. 2206/2021) have already been granted regular bail by the Co-ordinate Bench of this Court vide order dated 19/03/2021 and 24/05/2021 respectively. He further submits that there is no apprehension of the applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 34 years old, the offence is triable by Magistrate, the fact that 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 the Co-ordinate Bench of this Court, and conclusion of trial is seems to 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