

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5669 of 2021

- Jaikaran Vishwakarma, S/o Late Ramswarup Vishwakarma, Aged About 35 Years, R/o Village Bazaar Atariya, Police Station and Tehsil Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- The District Magistrate Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri S. S. Baghel, Advocate

For Non-Applicant/State : Shri C. B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

29.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 22.03.2021 in connection with Crime No. 124/2021, registered at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of 11.160 bulk litre countrymade liquor.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that charge-sheet has already been filed, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 22.03.2021 and trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has eight criminal antecedents under Sections 34 (2), 36 (च) & 34 (A)

of C.G. Excise Act of the year 2014, 2015, 2016, 2017, 2018, 2019 & 2020.

- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, charge-sheet has been filed, the detention period of the applicant, who is 35 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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 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