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HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 5704 of 2021**

- Naveen Jain, Aged about 39 years, S/o Som Jain, R/o Shyama Prasad Mukharji Ward, Bhatapara, Tehsil Bhatapara, District Balodabazar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: P.S. Bhatapara City, District Balodabazar (C.G.)

---- State/Non-Applicant**M.Cr.C. No. 5711 of 2021**

- Naveen Jain, Aged about 39 years, S/o Som Jain, R/o Shyama Prasad Mukharji Ward, Bhatapara, Tehsil Bhatapara, District Balodabazar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: P.S. Bhatapara City, District Balodabazar (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 5720 of 2021**

- Naveen Jain, Aged about 39 years, S/o Som Jain, R/o Shyama Prasad Mukharji Ward, Bhatapara, Tehsil Bhatapara, District Balodabazar (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: P.S. Bhatapara City, District Balodabazar (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Bharat Lal Dembra, Advocate
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For Non-Applicant/State	:	Shri C.B. Keharwani, Panel Lawyer
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Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****25.08.2021**

1. As all the above first bail applications under Section 439 of Cr.P.C. preferred by applicant – Naveen Jain arise out of the different Crime Numbers i.e. Crime No. 278/2021 (M.Cr.C. No. 5704/2021); Crime No. 292/2021 (M.Cr.C.

No. 5711/2021) and Crime No. 216/2021 (M.Cr.C. No. 5720/2021) registered in same Police Station- Bhatapara City, District Balodabazar (CG) for the offence punishable under Section 34 (2) of the Excise Act, they are being disposed of by this common order.

2. In Crime No. 278/2021, on 19.07.2021 police of Police Station Bhatapara City received information from the informant that the present applicant brought the liquor and co-accused Santosh Singh was selling the same in front of his house. On the basis of such information, police party reached the spot and seized 81.00 bulk liters of illicit foreign liquor from the possession of co-accused Santosh Singh.

In Crime No. 292/2021, on 22.07.2021 police of Police Station Bhatapara City received information from the informant that the present applicant is residing in one Panchuram's house and he brought liquor for selling. On the basis of such information, police party reached the spot and seized 51.750 bulk liters of illicit foreign liquor from his possession.

In Crime No. 216/2021 police of Police Station Bhatapara City received information from the informant that the present applicant and co-accused Kailash Yadu were being transported illicit liquor in Scooty bearing registration No. CG 22 S 9943 for delivery at Kholwa Road Bhatapara and on the basis of such information, police party reached to the spot, when the present applicant saw the police, ran away from the spot and co-accused Kailash Yadu was arrested by the police and seized 12.600 bulk liters of illicit foreign liquor from the possession of co-accused.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 22.07.2021 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 further submits that co-accused namely Santosh Singh Sariya has already been granted regular bail by this Court vide order dated 11.08.2021 passed in M.Cr.C. No. 5955/2021 in Crime No. 278/2021.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications and submits that the applicant has 10 criminal antecedents.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor in each bail applications, the detention period of the applicant who is 39 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 co-accused has already been granted regular bail by this Court in Crime No. 278/2021, without commenting anything on merits of the case, the applications are allowed.
6. It is directed that in the event of applicant- Naveen Jain executing a personal bond for a sum of Rs.4,00,000/- with two sureties of Rs.2,00,000/- each to the satisfaction of the concerned Trial Court in each crime numbers i.e. 278/2021; 292/2021 & 216/2021 , 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.

7. 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.
8. In result, M.Cr.C. No. 5704 of 2021; M.Cr.C. No. 5711 of 2021 & M.Cr.C. No. 5720 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

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