

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5818 of 2021

1. Sampat Chauhan S/o Sudharam Chauhan, Aged About 42 Years, R/o Village Jaitpur, P.S. Sarsiwa, District Balodabazar-Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Sarsiwa, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Non-Applicant/State	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27/09/2021

- 1) Mr. Raghavendra Pradhan, Counsel for the applicant appears 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 since 25/07/2021 in connection with Crime No. 160/2021 registered at Police Station Sarsiwa, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 3) Allegation against the applicant is that he was found in illegal possession of **35 bulk Ltrs.** of country made liquor (Mahuwa).
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 25/07/2021. He submits that there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has **03 criminal antecedent i.e.** for offence under Section 34(A) of Chhattisgarh Excise Act, registered at Police Station Sarsiwa, District Balodabazar-Bhatapara (C.G.) of the 2018 & 2019. However, in the above cases the applicant has been acquitted by giving him benefit of doubt vide judgment dated 09/02/2019, 10/05/2019 & 05/02/2020 respectively by the Court below.
- 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 42 years old, the fact that the applicant has already been acquitted from the charges by the Court below in all three cases under 34(A) of the Chhattisgarh Excise Act and only the present case is pending against him, considering the quantity of illicit liquor, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, 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