

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6038 of 2021

1. Mahendra Verma S/o Guharam Verma, Aged About 53 Years, R/o Village Borid, Police Station Ranitarai, Tehsil Patan, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, District Durg (C.G.).

---- Non-Applicant

For Applicant : Mr. Anmol Sharma, Advocate.

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

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/04/2021 in connection with Crime No. 80/2021 registered at Police Station Ranitarai, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of **5.580 bulk Ltrs.** of liquor.
- 3) 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 19/04/2021. He submits that 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.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has as many as **04 criminal antecedents**, for offence under Section 107, 116(3) of the Indian Penal Code, under Section 34(1)(क) of Chhattisgarh Excise Act, registered at Police Station Patan, District Durg (C.G.), bearing

Crime No. 06/2017 for the offence under Section 34(2) of Chhattisgarh Excise Act, registered at Police Station Ranitarai, District Durg (C.G.) and under Section 34(1) of Chhattisgarh Excise Act, registered at Police Station Ranitarai, District Durg (C.G.). However, in the above 03 cases of Excise Act the applicant has been acquitted by giving him benefit of doubt vide judgment dated 21/10/2016, 08/05/2017 and 18/01/2021 respectively of the trial Court.

- 5) 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 53 years old, the fact that the applicant has already been acquitted from charges for the offence under Section 34(1) & 34(2) of Chhattisgarh Excise Act registered against him in 2016 (twice) & 2017 by the Trial Court, 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 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