

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7908 of 2021

1. Bansingh Sethiya, S/o Dhanurjay Sethiya, Aged About 35 Years, R/o Village Gumdapal Chingitarai, P.S. Darbha, District- Bastar (Jagdalpur) Chhattisgarh.
 2. Santosh Sethiya, S/o Late Kedarnath Sethiya, Aged About 32 Years, R/o Khaspara, Parpa, Police Station Parpa, District- Bastar (Jagdalpur) (Chhattisgarh).
 3. Kamal Kashyap, S/o Arjun Kashyap, Aged About 38 Years, R/o Schoolpara Kelaur, Darbha, District- Bastar (Jagdalpur) Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station Kotwali, District- Bastar (Jagdalpur) (Chhattisgarh).

---- Non-Applicant

For Applicants : Shri Vinod Kumar Tekam, Advocate

For Non-Applicant/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.11.2021

Heard.

- 1) First bail application of the applicants was dismissed as withdrawn vide order dated 17.02.2021 in MCRC No. 9261 of 2020.
- 2) The applicants have preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 13.10.2020 in connection with Crime No.457/2020 registered at Police Station- Kotwali, District- Bastar (Jagdalpur) (C.G.) for the offence punishable under Sections 34 (2) and 59 (A) of C.G. Excise Act.
- 3) Allegation against the applicants is that they were found in illegal

possession of 665.64 bulk Ltrs liquor. This apart, Rs. 5200/- from applicant No.2 Santosh Sethiya and Rs. 6000/- from applicant No.1 Bansing were also seized.

- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that applicants are in jail since 13.10.2020, charge-sheet has already been filed but trial has not yet commenced even after passing of the one year. There is no likelihood of the applicants tampering with the prosecution evidence or absconding Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicants, who are 32, 35 & 38 years old, the fact that even after passing of the one year trial has not yet commenced, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 7) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs1,00,000/- each, of which one shall be local surety, to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

(a)they 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,

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

(d) they shall not involve themselves 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 applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim