

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7854 of 2021**

- Hirau Ram Mandle, S/o Shri Chova Ram, aged about 49 Years, R/o Village Pacheda, Thana Khallari, Tahsil Bagbahra, District Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant	Shri Sunil Sahu, Advocate.
For State	Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

18/10/2021

1. Heard on admission.
2. The application is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. Earlier the applicant had filed MCRC No.6212 of 2021 which was dismissed as withdrawn by this Court vide order dated 18.08.2021.
5. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.132/2021 registered at Police Station- Khallari, District Mahasamund, C.G. for the offence punishable under

Section 34(2) of the C.G. Excise Act.

6. Allegation against the applicant is that he was found in illegal possession of 17.640 bulk litres of country made liquor.
7. Learned counsel for the applicant submit that the applicant has been falsely implicated in this crime, he is languishing in jail since 06.08.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has two criminal antecedents under the Excise Act bearing Crime Nos. 88/2018 & 200/2018. However, he does not dispute that the applicant has been acquitted in both the said cases vide Annexure-A/3 i.e. the judgments of acquittal filed by the applicant.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, charge sheet has been filed, the detention period of the applicant, who is 49 years old and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of 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, 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge