

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9260 of 2020

- Ramnath Sao @ Raju Gupta S/o Shri Fekan Sao, aged about 38 years, R/o Ward No. 09 Ramnagar, Thana – Supela, District Durg (C.G.)

---- Applicant

Versus

- The State of Chhattisgarh, Through Police of Police Station – Simga, District Baloudabazar-Bhatapara (C.G.)

---- State/Non-applicant

For Applicant : Shri S.S. Baghel, Advocate

For Non-Applicant/State : Shri Sameer Uraon, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

19.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 23.11.2020 in connection with Crime No. 326/2020 registered in Police Station- Simga, District Baloudabazar-Bhatapara (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Allegation against the present applicant is that he was found in illegal possession of 414 bulk liters of foreign liquor.
3. Learned counsel for the applicant submits that there is no specific allegation against the present applicant that the alleged illicit liquor has been seized from exclusive conscious possession of the applicant and he has been falsely implicated in this crime. He also submits that alleged liquor was seized from the possession of co-accused namely Devendra Jangde which was kept in vehicle bearing registration No. CG 04 B 5611. He submits that the applicant is in jail since 23.11.2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. 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 applicant, charge-sheet has already been filed, that he is the first offender, there is no apprehension of the applicant tampering with the evidence or absconding, he has no criminal antecedents as admitted by both the counsel and the fact that as per charge-sheet, there is no specific allegation against the present applicant that the alleged illicit liquor has been seized from exclusive conscious possession of the applicant, that alleged liquor has been seized from the possession of co-accused Devendra Jangde and the vehicle involved in the alleged crime does not belong to the present applicant, without expressing any opinion on merits of the case, the bail application is allowed.

6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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 not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge