

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1974 of 2024**

Amrit Toppo S/o Gyan Prasad Toppo, aged about 20 Years, R/o Village Saraidih, Nawadih, Thana Balco Nagar, Tahsil And District Korba, C.G.

---- Applicant**Versus**

State of Chhattisgarh Through - Police Station Balco Nagar, Dist. Korba, C.G. (Police Station Completely Not Mentioned In Cause Title)

---- Non-applicant

(Cause-title taken from the Case Information System)

For Applicant : None

For Respondent/State : Mr. Sangharsh Pandey, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Order on Board

28.03.2024

1. The applicant has preferred this First Bail Application under Section 439 of Cr.P.C. for grant of regular bail, as he has been arrested in connection with Crime No.33/2024, registered at Police Station Balco Nagar, District - Korba, (C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
2. The case of the prosecution, in brief, is that the police of Police Station Balco Nagar, District - Korba, (C.G.), received an information from the informant and on the basis of the said information conducted a raid and seized total 40 bulk liters of hand made liquor from the joint possession of the present applicant and three other co-accused (10-10 liters each), thereafter, Police Officers has registered an offence punishable under Section 34(2)

of the C.G. Excise Act.

3. None appears nor is any representation made on behalf of the applicant to press this application when the case is called out.
4. It transpires from the record that the applicant is in jail since 24.01.2024. Hence, the Court proceeds to consider and hear the bail application of the applicant with the assistance of the State counsel.
5. On the other hand, the learned counsel for the State opposes the bail application but submits that the applicant has no criminal antecedents and charge-sheet has been filed and further submits that the 40 bulk liters of hand made liquor seized from the joint possession of the present applicant and three other co-accused (10-10 liters each), therefore, he is not entitled for grant of bail.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the applicant has no previous antecedents and also considering the fact that the charge-sheet has been filed and he is in jail since 24.01.2024 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Amrit Toppo**, involved in Crime No.33/2024, registered at Police Station Balco Nagar, District - Korba, (C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act, be released on bail on his furnishing **personal bond** with **two sureties** in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of

bail and proceed against him in accordance with law.

8. However, this Court hopes and trusts that the trial Court shall make earnest endeavour to conclude the trial as expeditiously as possible within a period of six months, if there is no legal impediment.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.
10. After the order was passed Mr. Vikas Kumar Pandey, learned counsel for the present applicant appeared and submitted that his presence may be marked.

Sd/-

(Ramesh Sinha)
Chief Justice

Abhishek