



2024:CGHC:47087

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 8318 of 2024**

- Tarun Bharti S/o Shri Dinesh Bharti Aged About 28 Years R/o Near Padumtara School, Thana- Thelkadih, District : Khairagarh-Chhuikhadan-Gandai, Chhattisgarh

**... Applicant**

**versus**

- The State Of Chhattisgarh Through Police Out Post Chikhali, Police Station- Kotwali, District : Rajnandgaon, Chhattisgarh

**... Non-Applicant**

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For Applicant	:	Mr. Rajendra Patal, Advocte
For Non-Applicant	:	Mrs. Subha Shrivastava, Panel Lawyer

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

**29.11.2024**

1. The applicant has preferred this First Bail Application under Section 483 of B.N.S.S. for grant of regular bail, as he has been arrested in connection with Crime No. 671/2024, registered at Police Station Kotwali, District - Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The case of the prosecution, in brief, is that the police of Police

Station Kotwali, District - Rajnandgaon (C.G.), received an information from the informant and on the basis of the said information conducted a raid and seized total 09 bulk liters of illicit liquor from the possession of the present applicant, thereafter, Police Officers has registered an offence punishable under Section 34(2) of the C.G. Excise Act.

3. It is argued by the learned counsel for the applicant that the applicant is falsely implicated in this case. It is further argued by him that the applicant has 07 previous criminal antecedent out of which 2 cases are Istgasa and 2 are IPC which have been disposed off and 3 cases are of Excise Act, in which the applicant has already been acquitted. He further submits that the applicant is in jail since 21.10.2024 and trial is likely to take some time for its conclusion. He also submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years and the charge-sheet has also been submitted, therefore, he prays grant of bail.
4. On the other hand, the learned counsel for the State opposes the bail application but admits that the the applicant has 07 previous criminal antecedents and charge-sheet has been filed and further submits that 09 liters of illicit liquor was recovered from the possession of the applicant, therefore, he is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
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 07 criminal antecedents out of which 2 cases are under the Istgasa and 2 cases are of IPC, which have been disposed off and 3 cases are under the Excise Act, in which the applicant has already been acquitted and also considering the fact that the charge-sheet has been filed and he is in jail since 21.10.2024 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Tarun Bharti**, involved in Crime No. 671/2024, registered at Police Station Kotwali, District - Rajnandgaon (C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act, be released on bail on her 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 her 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, 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.

**Sd/-**  
**(Ramesh Sinha)**  
**Chief Justice**

Manish