

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 581 of 2021**

- Nikhil Kumar, S/o Shri Arvind Singh, aged about 22 Years, R/o Village Bariyawa, Police Station Ambakutumba, District Aurangabad (Bihar), Presently Resident of Apna Dhaba, Village Kirna, Police Station Newra, District Raipur, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station - Newra, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant	Shri C.R. Sahu, Advocate.
For State	Shri Ashish Gupta, P.L.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****18/03/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.392/2020 registered at Police Station Newra, District Raipur, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 270 bulk litres of liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 18.12.2020 and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has one criminal antecedent

of the year 2020 under Sections 147, 148, 294, 323 & 506 of Indian Penal Code i.e. bearing Crime No.354/2020.

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, who is 22 years old, the fact that the applicant has only one criminal antecedent of the year 2020 as mentioned above, he has no criminal antecedent under the Excise Act 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.1,00,000/- 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 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.

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 similar offence in future.

Sd/-
Gautam Chourdiya
Judge