

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 681 of 2021

- Parmanand Baghel S/o Tularam Baghel Aged About 36 Years Resident Of Village - Dhanpunji Police Station Nagarnar, Tahsil - Jagdalpur, District - Bastar (C.G.), District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Nagarnar, District - Bastar (C.G.), District : Bastar(Jagdalpur), Chhattisgarh

---- Non-Applicant

For Applicant	:	Ms. Madhu Nisha Singh, Advocate
For Non-Applicant/State	:	Shri Ashish Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18/03/2021

1. The applicant has preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 2.9.2020 in connection with Crime No.141/2020, registered at Police Station- Nagarnar, District Bastar(CG) 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 224.280 bulk liters of foreign liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. She submits that due to pandemic Covid-19, on completion of 21 days detention period, the applicant was released on parole and thereafter, he has surrendered on 16th March, 2021. She submits that the co-accused has been released on bail by this Court in MCRC No.6909 of 2020 vide order dated 4.12.2020 and the applicant is languishing in jail since 2.9.2020 and conclusion of trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail by this

Court.

4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant, considering the quantity of illicit liquor, the detention period of the applicant and the fact that the applicant has surrendered on 16th March, 2021 after releasing him on parole due to pandemic Covid-19; no criminal antecedent is reported against the applicant, the co-accused has been released on bail by this Court in MCRC No.6909/2020, and conclusion of trial may take some time, the application is allowed. It is directed that in the event of the 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:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) 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.
6. 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 nature of offence in future.

Sd/-

(Gautam Chourdiya)
Judge