

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1413 of 2021

1. Anuj Nishad S/o Late Mangalu Nishad, Aged About 32 Years, R/o Village Karhibazar, Chowki Karhibahar, Police Station Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Basant Kaiwartya, Advocate.
For Non-Applicant/State	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/03/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 09/02/2021 in connection with Crime No. 105/2021 registered at Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of **16.200 bulk Ltrs.** of country made liquor.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 09/02/2021 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State

opposes the bail application. He submits that the applicant has 02 criminal antecedents i.e. Crime No. 475/2016 for offence under Section 34(2) of Chhattisgarh Excise Act & Crime No. 93/2017 for offence under Section 34(A) of Chhattisgarh Excise Act both registered at Police Station Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.). However, in both the above cases the applicant has been acquitted by giving him benefit of doubt.

5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that applicant has two criminal antecedents of the like nature of the year 2016 & 2017, he has been acquitted of the said charges by the Trial Court, considering the quantity of illicit liquor, the detention period of the applicant who is 32 years old and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that 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. 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.

-Sd/-
(Gautam Chourdiya)
Judge