

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1786 of 2021

1. Kamlesh @ Sonu Nayak S/o Late Shri Bhajan Nayak, Aged About 26 Years, R/o Kanera Road Near Janpad Panchayat Office, Police Station Kondagaon, District Kondagaon (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through Police Station Bodhghat, District Bastar (C.G.).

---- Non-Applicant

For Applicant	:	Mr. D.K. Gwalre, Advocate.
For Non-Applicant/State	:	Ms. Shobha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/03/2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 20/02/2021 in connection with Crime No. 50/2021 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Sections 34(1)(a), 34(2) & 59-A of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of **90 bulk** Ltrs. of foreign made liquor (*Goa Whisky*).
- 6) 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 20/02/2021,

and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. She submits that the applicant has no criminal antecedent.
- 8) 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, and the fact that the applicant has no criminal antecedent 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