

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2141 of 2021

- Ashish Chouhan S/o Hira Singh Chouhan, aged about 31 years, resident of Village Bijabhat, Police Station, Tahsil and District Bemetara, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, Through Excise Circle (internal) Bemetara, District Bemetara, Chhattisgarh

---- State/Non-Applicant

For Applicant	:	Shri Awadh Triapthi, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

11.06.2021

1. The application is heard through Video Conferencing.
2. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 10.02.2021 in connection with Crime No. 106/2021 registered in Police Station- Excise Circle (internal), Bemetara, District Bemetara (CG) for the offence punishable under Sections 34 (1) (A), 34 (2), 59 (A) & 36 of the CG Excise Act.
3. Allegation against the present applicant is that he was found in illegal possession of 304.20 bulk liters of foreign liquor.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 10.02.2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail. He also submits that co-accused persons namely Raju Nat & Ku. Kalpana Chauhan have already been granted regular bail by this Court vide order dated 26.02.2021 passed in M.Cr.C. No.799 of 2021 & M.Cr.C. No. 882 of 2021.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that there are seventeen criminal

antecedents of the applicant in which 16 under Excise Act.

6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, detention period of the applicant who is 31 years old, charge-sheet has already been filed, due to covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has number of criminal antecedents as admitted by both the counsel, co-accused persons have already been granted bail by this Court and there is no apprehension of the applicant tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of 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:-
 - 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/her from disclosing such fact to the Court.
 - he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - he shall not involve himself in any offence of similar nature in future.
8. 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.

Sd/-
(Gautam Chourdiya)
Judge