

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2445 of 2021

1. Gaman Nishad S/o Mohan Nishad, Aged About 34 Years, R/o Budhwari Para, Ward No. 14, Dongargarh, Tehsil And Police Station Dongargarh, District Rajnandgaon (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Dongargarh, District Rajnandgaon (C.G.).

---- Non-Applicant

For Applicant : Mr. S.S. Baghel, Advocate.

For Non-Applicant/State : Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

01/04/2021

- 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 14/03/2021 in connection with Crime No. 92/2021 registered at Police Station Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of **18 bulk** Ltrs. of English liquor (Goa).
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that co-accused Gulab Patel (in MCRC No. 1801/2021) has already

been granted regular bail by this Court vide order dated 15/03/2021. He further submits that the applicant has been arrested on 14/03/2021, 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 State opposes the bail application and submits that the applicant has as many as 04 criminal antecedents of the year 2016, 2017, 2018 & 2019.
- 8) At this stage learned counsel for the State submits that applicant has been acquitted in Criminal case bearing Crime No. 82/16 & Crime No. 284/17 Vide judgment dated 24/01/2017 & 07/03/2020 respectively.
- 9) 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 34 years old, and the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that **one co-accused** has already been released on bail by this Court 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**

Chandrakant