

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2798 of 2021

1. Mukund Sidar S/o Mohan Sidar, Aged About 55 Years, Caste Gond, R/o Village Kolihadevri, Police Chowki Balouda, Police Station Saraipali, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Chowki Balouda, Police Station Saraipali, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant : Mr. Shivendu Pandya, Advocate.
For Non-Applicant/State : Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21/05/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 20/03/2021 in connection with Crime No. 102/2021 registered at Police Chowki Balouda, Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 3) Allegation against the applicant is that he was found in illegal possession of **10 bulk** Ltrs. of country made liquor (*Mahuwa*).
- 4) 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 20/03/2021, and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the applicant has 01 criminal antecedent bearing Crime No. 459/2020 under Section 34(2) of the Excise Act registered at Police Station Saraipali, District Mahasamund (C.G.)
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 55 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, applicant has 1 criminal antecedent of Excise Act of the year 2020, 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.
 - v. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.

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 offence in future.

**-Sd/-
(Gautam Chourdiya)
Vacation Judge**

Chandrakant