

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2977 of 2021**

- Mamta Nayak W/o Late Rajeshwar Nayak, Aged About 35 Years Caste - Ghasi, R/o Village Bhagalpur, Bartoli, Tahsil And District – Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Excise Sub - Inspector, Circle Jashpur, Chhattisgarh

---Non-applicant

For Applicant
For State

Shri Faiz Kazi, Advocate.
Shri Ashish Tiwari, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

21/05/2021

1. The matter is heard through Video Conferencing.
2. Heard on admission.
3. The application is admitted for hearing.
4. With the consent of the parties, the matter is heard finally.
5. The applicant has preferred this application under Section 439 of Cr.P.C. as she has been arrested in connection with Crime No.164/2021 registered at Police Station- Excise Sub-Inspector Circle Jashpur, C.G. for the offence punishable under Sections 34(1)(a), 34(2)(6) & 59(a) of the C.G. Excise Act.
6. Allegation against the applicant is that she was found in illegal possession of 14 liters of hand-made liquor.
7. Learned counsel for the applicant submits that the applicant has been

falsely implicated in this crime, she is languishing in jail since 23.03.2021 and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.

8. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.

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 35 years old and the fact that the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-

- (i) she 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,
- (ii) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (iv) she shall not involve herself 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 Bench.
- (v) she shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Sd
Gautam Chourdiya
(Vacation Judge)