

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3598 of 2021

- Vimal Kant @ Nanki Dau Bharti, aged about 19 years, S/o Naitik Lal Bharti, R/o Village Charpara, P.S. Malkharouda, District Janjgir-Champa (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate, District Janjgir-Champa (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri C.P. Lahery, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

14.06.2021

1. The application is heard through Video Conferencing.
2. The matter is listed for orders on default as pagination has not been done properly in the index.
3. Considering the nature of default, the same is overruled.
4. Heard on admission.
5. Admit.
6. With the consent of learned counsel for the parties, the matter is heard finally.
7. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27.03.2021 in connection with Crime No. 32/2021 registered in Police Station- Hasaud, District Janjgir-Champa (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
8. Allegation against the present applicant is that he was found in illegal possession of 20.00 bulk liters of hand made *mahuwa* liquor.
9. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 27.03.2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.

10. On the other hand, learned counsel for the State opposes the bail application. However, he submits that there is one criminal antecedent of the applicant of the year 2018 under the Excise Act.

11. 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 19 years old, conclusion of the trial is likely to take some, the applicant has one criminal antecedent as admitted by both the counsel 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.

12. It is directed that in the event of 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

13. 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