

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3313 of 2021

1. Tulachand S/o Loknath, aged about 22 years, R/o Village Bhawarchuwa, Police Station and Tahsil Basna, District - Mahasamund (C.G.)
2. Mukesh S/o Jailal, aged about 19 years, R/o Village Daldali, Police Station and Tahsil Basna, District – Mahasamund (C.G.)
3. Krishna Kumar Choudhary S/o Amrit Choudhary, aged about 22 years, R/o Village Birandabri, Police Station and Tahsil Basna, District Mahasamund (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Outpost Bhawarpur, Police Station Basna, District - Mahasamund (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Anand Verma, Advocate appears on behalf of Shri Anil Gulati, Advocate
For Non-Applicant/State	:	Shri Ayaz Naved, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.06.2021

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 08.04.2021 in connection with Crime No. 182/2021 registered in Police Station- Outpost Bhawarpur, P.S. Basna, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. Allegation against the present applicants is that they were found in illegal possession of 45.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 08.04.2021 and conclusion of the trial is likely to take some time. Therefore, the

applicants be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.
8. 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 applicants who are 22, 19 & 22 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicants have no criminal antecedents as admitted by both the counsel and there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
9. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-
 - i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
10. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge