

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 3131 of 2021**

- Samaru Nishad, S/o Jagatram Nishad, aged about 46 Years, Resident of Village Limauguda Thana Saraipali, District Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

----Non-applicant

MCRC No. 3110 of 2021

1. Shyam Bai Nishad, W/o Mohanlal Nishad, aged about 45 Years,
2. Sumitra Bai, W/o Johan Nishad, aged about 40 Years,

Both are Resident of Village Limauguda Thana Saraipali, District Mahasamund, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

----Non-applicants

For Applicants	Shri Vikash Pradhan, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

12/07/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.142/2021 registered at Police

Station Saraipali, District Mahasamund, C.G. for the offence punishable under Section 34(2) of the Excise Act, they are being disposed of by this common order.

2. Allegation against the applicants is that they were found in illegal possession of 730 bulk litres of hand made liquor (*Mahuwa*).
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 19.04.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. 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 applicants, who are 45, 40 & 46 years old, charge sheet has already been filed and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 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.

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 offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh