

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3064 of 2021

- Motiram Bhardwaj S/o Chaituram Bhardwaj, aged about 60 years, Caste – Satnami, R/o Bade Sajapali, Police Station – Basna, District - Mahasamund (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Police Station Basna, Police Outpost – Bhanwarpur, District Mahasamund (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Kishore Narayan, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.06.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is 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.
2. Allegation against the present applicant is that he was found in illegal possession of 45.00 bulk liters of hand made *mahuwa* liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 08.04.2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail. He also submits that co-accused persons namely Tulachand, Mukesh & Krishna Kumar Choudhary have already been granted regular bail by this Court vide order dated 15.06.2021 passed in M.Cr.C. No. 3313 of 2021.
4. On the other hand, learned counsel for the State opposes the bail

application. However, he submits that there are two criminal antecedents of the applicant of the year 2017 & 2018 under the Excise Act and under the IPC.

5. 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 60 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has criminal antecedents of the years 2017 & 2018 as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, and that the co-accused persons have already been granted by this Court, without expressing any opinion on merits of the case, the bail application is allowed.
6. 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.
7. 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