

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3056 of 2021

1. Vyas Narayan Koshle S/o Naresh Koshle, Aged About 30 Years, Resident Of Village Sarda, Police Station And Tahsil Berla, District Bemetara (C.G.).
2. Prakash Koshle S/o Late Naresh Koshle, Aged About 28 Years, Resident Of Village Sarda, Police Station And Tahsil Berla, District Bemetara (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through The Station House Officer Police Station Berla, District Bemetara (C.G.).

---- Respondent

For Applicants	:	Mr. Kawaljeet Singh, Advocate.
For Respondent/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 12/04/2021 & 13/04/2021 respectively in connection with Crime No. 129/2021 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 3) Allegation against the applicants are that applicant Vyas Narayan Koshle was found in illegal possession of **17.28 bulk Ltrs.** of foreign liquor (New Goa) and applicant Prakash Koshle was found in illegal possession of **216 bulk Ltrs.** of foreign liquor (New Goa).
- 4) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. He submits

that applicant Vyas Narayan Koshle has been acquitted under Crime No. 210/2018 for the offence under Section 34(1)(A) of the Excise Act as also for the offence under Section 302 of IPC bearing Crime No. 169/2019 and that both the applicants i.e. Vyas Narayan Koshle & Prakash Koshle have also been acquitted under Crime No. 03/2017 for the offence under Section 354, 294, 506, 323, 34 of IPC and Section 8 of POCSO Act as is evident from the copy of Jarayam Register filed alongwith covering memo. He further submits that the applicants were arrested on 12/04/2021 and 13/04/2021 respectively and conclusion of trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicants be released on bail by this Court.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. However, State Counsel does not dispute acquittal of the applicant Vyas Narayan Koshle in Crime No. 210/2018 and Crime No. 169/2019 and acquittal of both the applicants Vyas Narayan Koshle & Prakash Koshle in Crime No. 03/2017. He submits that there are other cases still pending against the applicants.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, the fact that applicants have criminal antecedents of the year 2017, 2018 & 2019, they have been acquitted of the charges of the year 2017 by the Trial Court and the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, offence is triable by Magistrate and that conclusion of trial may take some time for its disposal, the application is **allowed**. It is directed that in the event **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,
- 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 Govt./State Govt./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**

Chandrakant