

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3852 of 2021

- Dhanuk Dhimar son of Late Budhiyar Dhimar, aged about 52 years, R/o. Village Nikum, Police Station Anda, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Anda, District Durg (C.G.)

---- State/Non-Applicant

For Applicant : Shri D. Kushwaha, Advocate

For Non-Applicant/State : Shri K.K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

13.07.2021

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he is in jail since 26.02.2021 in connection with Crime No. 31/2021 registered in Police Station- Anda, District Durg (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. The first bail application of the applicant was dismissed on merits vide order dated 22.03.2021 passed in M.Cr.C. No. 2101/2021 by this Court.
6. Allegation against the present applicant is that he was found in illegal possession of 05.76 bulk liters of foreign liquor.
7. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 26.02.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
8. On the other hand, learned counsel for the Non-Applicant/State opposes the

bail application and submits that the applicant has number of criminal antecedents.

9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, due to Covid-19 pandemic, there is no progress in the trial, considering the quantity of illicit liquor, the detention period of the applicant who is 52 years old, there is no likelihood of disposal of the trial in near future, and that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, in changed facts and circumstances of the case, without commenting anything on merits of the case, the application is allowed.

10. It is directed that in the event of applicant 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, he shall be released on bail, on 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

11. 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