

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3134 of 2021

- Nathuram Nirmalkar, son of Rohit, aged about 22 years, caste Bareth, Resident of village Patuwa, Police Chowki Damapur, Police Station – Kunda, Tahsil Pandariya, District Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station (Police Chowki Damapur) Kunda, District Kabirdham (C.G.)

---- State/Non-Applicant

For Applicant : Shri D. Kushwaha, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

29.06.2021

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 03.05.2021 in connection with Crime No. 71/2021 registered in Police Station- Kunda, Police Chowki Damapur, District Kabirdham (CG) for the offence punishable under Sections 34 (2) & 59 (A) of the CG Excise Act.
5. Allegation against the present applicant is that he was found in illegal possession of 08.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 03.05.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this

Court.

7. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
8. 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 applicant who is 22 years old, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
9. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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.
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 applicant involving himself in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge