

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3533 of 2021

- Ashok Kumar @ Babbu Mehra, aged about 42 years, S/o Late Rajinder Singh @ Sadi Singh, resident of Q.No. 364/365, Housing Board Colony, Kohka, P.S. Supela, Bhilai, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through the Police Station Kanker, District North Bastar Kanker (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Raza Ali, Advocate
For Non-Applicant/State	:	Shri Ayaz Naved, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

21.06.2021

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 11.05.2021 in connection with Crime No. 17/2021 registered in Police Station- Kanker, District North Bastar Kanker (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. Allegation against the present applicant is that he was found in illegal possession of 207.00 bulk liters of foreign liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 11.05.2021 and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. He also submits that the co-accused persons namely Charanjeet Singh & Dhalsingh Vishwakarma have already been granted regular bail by this Court vide order dated 26.02.2021 passed in M.Cr.C. No. 1065 of 2021. Therefore, the applicant be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.
8. 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 42 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has no criminal antecedent as admitted by both the counsel, there is no apprehension of the applicant tampering with the evidence or absconding, and that the co-accused persons have already been granted bail by this Court, without expressing any opinion on merits of the case, the bail application is allowed.
9. 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.
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