

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3581 of 2021

- Vikash Kumar Kanwar, S/o Sharan Singh, Aged About 22 Years, R/o Sajapani, Out Post- Urga, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Police Station - Urga, District Korba Chhattisgarh.

---- Non-Applicant

with

MCRC No. 3588 of 2021

- Sonit Chouhan, S/o Bhuneshwar Chouhan, Aged About 22 Years, R/o Sajapani, Out post- Urga, District Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Urga, District- Korba, Chhattisgarh.

---- Non-Applicant

For Applicants	:	Shri Mirza Kaisher Beg, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

14.06.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) Heard on admission.
- 3) The applications are admitted for hearing.
- 4) With the consent of the parties, the matters are heard finally.
- 5) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as applicants

were arrested on 14.05.2021 in connection with Crime No. 121/2021 registered at Police Station- District- Urga, Korba (C.G.) for the offence punishable under Sections 34 (2) of C.G. Excise Act.

- 6) Allegation against the present applicants is that 35 bulk litre country made liquor was seized from each of them.
- 7) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants are young offenders. Counsel for the applicants further submits that applicant Vikas has no criminal antecedent, applicant Sonit Chouhan has only one criminal antecedent in the year of 2019, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 14.05.2021 and due to COVID-19 trial has not yet commenced and is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 8) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicant applicant Sonit Chouhan has one criminal antecedent in the year of 2019.
- 9) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicants, considering the quantity of illicit liquor, the detention period of the applicants, who are 22 years old and the fact that the applicant Vikash has no criminal antecedent, only applicant Sonit Chouhan has one criminal antecedent in the year of 2019, 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 conclusion of trial may take some time, the bail applications are allowed.
- 10) It is directed that in the event of each of the applicants executing

a personal bond for a sum of Rs.1,00,000/- with one surety of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) 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,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim