

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3620 of 2021

- Brijlal Kewat, S/o Shri Radum Lal Kewat, Aged About 38 Years, R/o Village Jogiyadera, Police Station Balco Nagar, District Korba, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Balconagar, District- Korba, Chhattisgarh. **---- Non-Applicant**

MCRC No. 3623 of 2021

- Salik Ram Dhanwar ,S/o Shri Amrit Lal Dhanwar, Aged About 36 Years, R/o Village - Jogiyadera, Police Station Balco Nagar, District- Korba, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Balconagar, District- Korba, Chhattisgarh. **---- Non-Applicant**

For Applicants	: Shri Ashutosh Shukla, Advocate
For Non-Applicant/State	: Shri Ayaz Naved, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

30.06.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 21.05.2021 in connection with Crime No.215/2021 registered at Police Station- Balconagar, District- Korba (C.G.) for the offence punishable under Section 34 (2), 59-A (2) of C.G. Excise Act.
- 3) Allegation against the applicants is that they were found in illegal

possession of 75 bulk Ltrs country made Liquor.

- 4) 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 applicant Brijlal Kewat has one criminal antecedent of similar offence, registered in the year 2017 and applicant Salik Ram Dhanwar has no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 21.05.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail applications and submits that applicant Brijlal Kewat has one criminal antecedent of similar offence, registered in the year 2017 whereas applicant Salik Ram Dhanwar has no criminal antecedents.
- 6) 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 36 , 38 years old and the fact that the applicant Brijlal Kewat has one criminal antecedent of similar offence in the year 2017 and applicant Salik Ram Dhanwar has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some time, the applications are allowed.
- 7) 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:-

(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