

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3807 of 2021

- Thado @ Vishal Nayak, son of Shri Mangal Nayak, aged about 27 years, Resident of Shyam Nagar, Near Vriddha Ashram, Udiya Basti, Police Station – Telibandha, Raipur, Tahsil and District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Telibandha, Raipur, District Raipur (C.G.)

---- State/Non-Applicant

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

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

18.06.2021

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 02.04.2021 in connection with Crime No. 137/2021 registered in Police Station- Telibandha, Raipur, District Raipur (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 16.200 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 02.04.2021 and due to covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has one criminal antecedent of the 2018 under the Excise Act.

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 27 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicant has only one criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding, 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.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 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