

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3825 of 2021

1. Manoj Vishwakarma son of Motilal Vishwakarma, aged about 27 years,
 2. Kanhaiya Dhiwar son of Ramchandra Dhiwar, aged about 45 years,
 3. Jitendra Dhiwar son of Dhanesh Dhiwar, aged about 27 years
- All are residents of Village- Komakhan, Police Station- Komakhan, District Mahasamund (C.G.)

---- Applicants

Versus

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

---- State/Non-Applicant

For Applicants	:	Ms. Pushpalata Khalkho, Advocate
For Non-Applicant/State	:	Shri Ayaz Naved, Government Advocate

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 applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 09.05.2021 in connection with Crime No. 74/2021 registered in Police Station- Komakhan, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
5. Allegation against the present applicants is that they were found in illegal possession of 21.400 bulk liters of country made liquor.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 09.05.2021 and due to covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicants 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 applicants who are 27 & 45 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicants have no criminal antecedents as admitted by both the counsel and there is no apprehension of the applicants 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 each of the applicants 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, they shall be released on bail on the following conditions:-
 - i. 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/her from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves 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 applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge