

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4364 of 2021

- Sushil Nirala, S/o. Shri Chaitram Nirala, Aged About 26 Years, R/o. Village - Banskata, P.S.- Komakhan, Tahsil- Bagbahra, District : Mahasamund, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station - Komakhan, District : Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Sumit Shrivastava, Advocate
For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

30.06.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 14.06.2021, in connection with Crime No.96/2021, registered at Police Station-Komakhan, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicant is that he was found in illegal possession of 21 bulk ltrs. contrymade liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant is young offender and he has already

been acquitted from case registered in the year 2019 under Excise Act, presently he has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 14.06.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has one criminal antecedent of similar nature of the year 2019.
- 8) 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 applicant, considering the quantity of illicit liquor, the detention period of the applicant, who is 26 years old and the fact that at present applicant has no criminal antecedents, 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 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 9) It is directed that in the event of the 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 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 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.

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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim