

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5114 of 2021**

- Suman Yadav @ Khushabu, S/o Shri Sahdev Aged About 25 Years R/o Village- Kharaud, Police Station- Shivarinarayan, Civil and Revenue, District- Janjgir-Champa, Chhattisgarh.

---Applicant

Versus

- State of Chhattisgarh, Through- the Station House Officer, Police Station- Nawagarh, Civil and Revenue, District- Janjgir-Champa, Chhattisgarh.

----Non-applicant

For Applicant	Shri Paras Mani Shriwas, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

19/07/2021

1. The matter is heard through Video Conferencing.
2. Heard on admission.
3. The application is admitted for hearing.
4. With the consent of the parties, the matter is heard finally.
5. The applicant has preferred this application under Section 439 of Cr.P.C. as applicant has been arrested in connection with Crime No.230/2021 registered at Police Station Nawagarh, District Janjgir-Champa, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.

6. Allegation against the applicant is that applicant was found in illegal possession of 12 bulk litres of hand made liquor (*Mahuwa*).
7. Learned counsel for the applicant submit that the applicant has been falsely implicated in this crime, applicant is languishing in jail since 17.06.2021 and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicant, who is 25 years old and the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the application is allowed. It is directed that in the event of applicant 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, applicant shall be released on bail on the following conditions:-
 - (i) applicant 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) applicant shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) applicant shall appear before the trial Court on each and

every date given to him/her by the said Court till disposal of the trial.

- (iv) applicant shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) applicant shall not involve himself/herself 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/herself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh