

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5327 of 2021

- Sitasharan Kumhar, S/o Shri Sunder Lal Kumhar, Aged About 21 Years, R/o Prem Nagar, Ward No. 9, Near Raju Kirana Stores, Gudiyari, Raipur, Tahsil and District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Jamul, District- Durg, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Pushpendra Kumar Patel, Advocate

For Non-Applicant/State : Smt. Deepti Shukla, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 08.07.2021 in connection with Crime No.153/2021 registered at Police Station- Jamul, District- Durg (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 2) Allegation against the applicant is that he was providing his private vehicle for illegal transportation of liquor, as a result of which 129.60 bulk ltrs. English liquor was seized from the co-accused Gagandeep Singh who was using the vehicle belonging to the applicant.
- 3) 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 only owner of the vehicle, the liquor

was seized from co-accused Gagandeep Singh, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 08.07.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) 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 21 years old and the fact that the aforesaid liquor was not seized from the applicant, the applicant is the owner of the seized vehicle used in illegal transportation of liquor, he 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 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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