

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5444 of 2021**

- Jainandan Sarthi, S/o Setram Sarthi, aged about 43 Years, R/o Village Dheknabhata, P. S. and Tahsil Dabhara, Presently Resided At Amlidiha, P. S. Chandrapur, Sakti, District Janjgir Champa, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through Excise Circle Dabhara, District Janjgir Champa, Chhattisgarh.

----Non-applicant

For Applicant	Shri Ishwar Jaiswal, Advocate.
For State	Shri K.K. Singh, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****29/07/2021**

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 he has been arrested in connection with Crime No.46/2021 registered at Excise Circle Dabhara, District Janjgir-Champa, C.G. for the offence punishable under Sections 34(1) (A) & 34(2) of the C.G. Excise Act.

6. Allegation against the applicant is that he was found in illegal possession of 12 bulk litres of country made liquor (*Kachhi Mahuwa*).
7. Learned counsel for the applicant submit that the applicant has been falsely implicated in this crime, he is languishing in jail since 26.06.2021 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. He submits that the applicant has only one criminal antecedent of similar nature of the year 2021.
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 43 years old, the fact that the applicant has only one criminal antecedent of similar nature of the year 2021 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.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 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

Akhilesh