

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5257 of 2021**

- Omprakash Kanwar @ Gabbar, S/o Dharmendra Kanwar, aged about 26 Years, R/o Village Kosmarra, Police Station- Bhakhara, District- Dhamtari, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police of Police Station- Bhakhara, District-Dhamtari, Chhattisgarh.

----Non-applicant

For Applicant	Shri Anil Gulati, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

06/08/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.86/2021 registered at Police Station Bhakhara, District Dhamtari, C.G. for the offence punishable under Section 34(2) & 59 (क) of the C.G. Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 7.74 bulk litres of country made liquor.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 11.07.2021 and conclusion of trial is likely to take some time. Therefore, applicant be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has two criminal antecedents of the year 2014 & 2020 under Sections 457 & 380 of Indian Penal Code bearing Crime No. 122/2014 and Section 34(A) of the Excise Act bearing Crime No.151/2020.
5. 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 26 years old, the fact that the criminal antecedents of the applicant are of the year 2014 & 2020 under the aforesaid Sections 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh