

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5372 of 2021

1. Vasudev @ Akhilesh S/o Kulmani, aged about 20 years, R/o Village- Baitari, Post – Chattigirola, Thana and Tahsil – Saraipali, District - Mahasamund (C.G.)
2. Kamal Kalet S/o Laxman, aged about 32 years, R/o Village – Baitari, Post – Chattigirola, Thana and Tahsil – Saraipali, District Mahasamund (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Chowki – Baloda, Police Station – Saraipali, District - Mahasamund (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Sangeet Kumar Kushwaha, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

12.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 15.07.2021 in connection with Crime No. 282/2021 registered in Police Chowki – Baloda, Police Station – Saraipali, District- Mahasamund (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Allegation against the present applicants is that they were found in illegal possession of 80.00 bulk liters of hand made *mahuwa* liquor.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 15.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants 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 as per order impugned, applicant No.2 Kamal Kalet has number of criminal antecedents and applicant No.1 Vasudev @ Akhilesh has no criminal antecedents.
5. At this stage, learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.2 Kamal Kalet with liberty to file a fresh application as and when occasion arises.
6. Accordingly, the bail application on behalf of applicant No.2 Kamal Kalet is dismissed as withdrawn with the liberty as stated above.
7. Now this Court considers the bail application on behalf of applicant No. 1 Vasudev @ Akhilesh.
8. 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 applicant No.1 Vasudev @ Akhilesh who is 20 years old, the fact that applicant No.1 has no criminal antecedents, there is no likelihood of applicant No.1 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 on behalf of applicant No.1 is allowed.
9. It is directed that in the event of applicant No.1 Vasudev @ Akhilesh 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/her 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.

10. 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 No.1 involving himself in similar nature of offence.

11. In the result, M.Cr.C. No. 5372 of 2021 is allowed in part on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

vatti