

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5381 of 2021

1. Tirath Patel S/o Shri Tijau Patel aged about 24 years, Caste- Marar, R/o. Virendra Nagar Palika Parishad Saraypali Thana and Tahsil- Saraypali, District Mahasamund (C.G.)
2. Vishal Sona S/o Shri Chabilal Sona Aged about 18 years, Caste- Ghansiya, R/o- Bazarpara- Saraypali, Thana and Tahsil- Saraypali, District Mahasamund (C.G.)

---- Applicants

Versus

- The State of Chhattisgarh, Through the Station House Officer P.S. - Saraypali (Chowki- Baloda), District - Mahasamund (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Sumit Shrivastava, Advocate
For Non-Applicant/State	:	Shri Rahim Ubwani, 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 18.06.2021 in connection with Crime No. 241/2021 registered in Police Station- Thana Saraypali (Chowki-Baloda), 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 90.00 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 18.06.2021 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.1 Tirath Patel has one criminal antecedents under the Gambling Act and applicant No.2 Vishal Sona has four criminal antecedents under the IPC.

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 applicants who are 18 & 24 years old, the fact that the applicants have no criminal antecedents under the Excise Act, there is no likelihood of the applicants 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 is allowed.
6. It is directed that in the event of each of the applicants 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, they shall be released on bail, on following conditions :-
 - i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge