

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5679 of 2021**

- Smt. Kanak, Wd/o Late Jeevnath, aged about 50 Years, R/o Nayamunda, P. S. Bodhghat, District Bastar, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through the Bodhghat, District Bastar, Chhattisgarh.

----Non-applicant

For Applicant	Shri Pravin Kumar Tulsyan, Advocate.
For State	Shri K.K. Singh, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

05/08/2021

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 she has been arrested in connection with Crime No.207/2021 registered at Police Station Bodhghat, District Bastar, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
6. Allegation against the applicant is that she was found in illegal

possession of 18 bulk litres of hand made liquor (*Mahuwa*).

7. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, she is languishing in jail since 11.07.2021 and conclusion of trial is likely to take some time.
8. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedent.
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 50 years old and the fact that the applicant has no criminal antecedent 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.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-
 - (i) she 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) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

- (iv) she shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) she shall not involve herself 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 herself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh