

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**M.Cr.C. No. 5730 of 2021**

- Narayan Yadav Son of Munku Yadav, aged about 28 years, R/o. Village Surajgarh, Police Station and Tahsil Pusour, District Raigarh (C.G.)

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through : The Assistant Incharge, District Level Excise Flying-scout, District Raigarh (C.G.)

**---- State/Non-Applicant**

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For Applicant : Ms. Smriti Shrivastava, Advocate appears on behalf of Shri Jitendra Gupta, Advocate

For Non-Applicant/State : Shri K.K. Singh, Government Advocate

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**Hon'ble Shri Justice Gautam Chourdiya, J**

**Order on Board**

**05.08.2021**

1. Heard.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 17.07.2021 in connection with Crime No. 45/2021 registered in Police Station- Assistant Incharge, District Level Excise Flying-scout, District Raigarh (CG) for the offence punishable under Sections 34 (2) (A) & 59 (A) of the CG Excise Act.
5. Allegation against the present applicant is that he was found in illegal possession of 10.08 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 17.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

7. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has one criminal antecedents under Section 294 & 323 of IPC and there is no criminal antecedents under the Excise Act.
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 the applicant who is 28 years old, the fact that the applicant has no criminal antecedents under the Excise Act, there is no likelihood of the applicant 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.
9. 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, 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 involving himself in similar nature of offence.

Sd/-  
**(Gautam Chourdiya)**  
Judge