

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5857 of 2021**

1. Dilip Kumar Chouhan S/o Shri Sadhram Chouhan Aged About 31 Years R/o Village Kalgatar, Police Station Baramkela And District Raigarh Chhattisgarh.
2. Banshidhar Yadav S/o Shri Panchram Yadav Aged About 31 Years R/o Village Kalgatar, Police Station Baramkela And District Raigarh Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh S.H.O. Of The P/ S. Police Station Baramkela And District Raigarh Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri Abhishek Saraf, Advocate.
For Non-Applicant/State:	Dr (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

06.09.2021

1. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.225/2021 registered at Police Station Baramkela, Distt. Raigarh (CG) for the offence punishable under Sections 34(2) & 59(A) of the CG Excise Act.
2. Case of the prosecution is that on 13.07.2021 the present Applicants were found in an illegal possession of 320 bulk liters of country made liquor.
3. Learned counsel for the Applicants submits that the Applicants have been falsely implicated in this crime and are languishing in jail since 13.07.2021 and due to COVID-19 pandemic conclusion of trial is likely to take some time, therefore, they may be released on bail.

4. On the other hand, learned State Counsel opposed the bail application. However, he submits that Applicant No.1 has only criminal antecedent against him under Section 34(1) of the CG Excise Act pertaining to the year 2019.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the age of the Applicants, the quantity of the liquor, the fact that they are in jail since 13.07.2021 and that there is only one criminal antecedent against Applicant No.1 under Section 34(1) of the CG Excise Act pertaining to the year 2019 and the trial may take some time due to Covid-19 Pandemic, without expressing any opinion on the merits of the case, I am inclined to allow this application.

7. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event 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 the 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 them 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.

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 any offence in future.

Sd/-

Gautam Chourdiya
JUDGE

Priya