

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5885 of 2021

1. Manish Kumar Lehre S/o Kuwar Lal Lehre, Aged About 42 Years, R/o Street No. 52, Quarter No. 4-A, Sector-6, Bhilai, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Anmol Sharma, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

11/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 16/05/2021 in connection with Crime No. 145/2021 registered at Police Station Nandani, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act and under Section 3 of Epidemic Disease Act, 1897.
- 3) As per prosecution case, on 20/04/2021 the Police party stopped vehicle Innova Car bearing registration No. CG07 AK 8106. However, the driver of the vehicle taking advantage of darkness fled from the spot. The Police seized 1248 Quarters i.e. **224.640 Bulk Ltrs.** liquor from the said vehicle. During investigation co-accused Vijendra Pandey @ Bunty and present applicant were taken into custody and their memorandum statements they admitted illegal transportation of the said liquor in association with other co-accused Kailash Pal and Ashish David.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the applicant has been arrested on 16/05/2021. He submits that trial is

likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail by this Court.

- 5) On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 42 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant 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 the 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 from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- 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 Govt./State Govt./Local Authority,
- v. he shall not involve himself 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 himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge