

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5791 of 2021**

Rahul Sweeper S/o Hariyar Sweeper Aged About 35 Years R/o Bairagpara, Pandariya, P.S. Pandariya, Distt. Kabeerdham (Chhattisgarh)

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate, Kawardha, Distt. Kabeerdham (Chhattisgarh)

---- Non-Applicant

For Applicant:	Shri Hari Om Rai, Advocate.
For Non-Applicant/State:	Ms. Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference

01.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.222/2021 registered at Police Station Pandariya, District Kabeerdham, C.G. for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Allegation against the present Applicant is that he was found in an illegal possession of 6 bulk liters of illicit country made liquor (*mahua*).
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question for which, he is in jail since 10.07.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
4. On the other hand, learned State Counsel opposed the bail application. However, he submits that the Applicant has only one

criminal antecedent under the NDPS Act.

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

7. Considering the facts and circumstances of the case, the quantity of liquor, the fact that the Applicant is in jail since 10.07.2021 and that the trial may take some time due to Covid-19 Pandemic, I am inclined to allow this application.

8. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event of the Applicant's 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 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, 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.

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 any offence in future.

Sd/-

Gautam Chourdiya
JUDGE