

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5779 of 2021**

Ramakant @ Rahul Tiwari S/o Manoj Tiwari Aged About 21 Years R/o Gram Hardi Singhpur, P. S. Singhpur, District Shahdol M. P.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station In Charge Khadgawan,
District Koriya Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Anuroop Pnada, Advocate.
For Non-Applicant/State:	Shri Rahim Ubwani, 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.238/2021 registered at Police Station Khadgawan for the offence punishable under Sections 34(2) and 59(a) of the CG Excise Act.
2. Allegation against the present Applicant is that he was found in an illegal possession of 405 bulk liters of English liquor.
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 25.07.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 34(2) and 59(a) of the CG Excise Act.
4. On the other hand, learned State Counsel opposed the bail application. However, he submits that the Applicant has no criminal antecedents.

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 Applicant i.e. 21 years, the fact that he is in jail since 25.07.2021 and there are no criminal antecedents against him and that 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.

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