

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5771 of 2021

1. Neelkanth Dahariya S/o Dhatruram Dahariya, Aged About 47 Years, Resident Of Village Tarra Bhathapara, Police Station Patan, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station Patan, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Non-Applicant/State	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

27/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 05/07/2021 in connection with Crime No. 89/2021 registered at Police Station Patan, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he was found in illegal possession of **5.4 bulk Ltrs.** of country made liquor.
- 3) 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 05/07/2021. He submits that charge sheet has already been filed and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of the 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.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has **02 criminal antecedents** i.e. Crime No. 143/2012 under Section 36(च) of

Chhattisgarh Excise Act and Crime No. 179/2021 under Section 34(2) of Chhattisgarh Excise Act.

5) 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 47 years old, charge sheet has already been filed, 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