

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5864 of 2021**

Ballu S/o Gahtaru Ram, Aged About 49 Years R/o Madeli, Belardona,
Police Station Magarlod, District - Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Excise Circle
Magarlod, District - Dhamtari Chhattisgarh. ---- Non-Applicant

For Applicant:	Shri Anil Gulati, Advocate.
For Non-Applicant/State:	Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

06.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.12/2021 registered at Police Station Excise Circle Magarlod, District Dhamtari, C.G. for the offence punishable under Sections 34(1)-B, 34(2) and 59-A of the CG Excise Act.
2. Case of the prosecution is that on receiving a secret information that the present Applicant was possessing illicit liquor at Excise Circle, Magarlod, the police headed out and recovered 24.500 bulk liters of country made liquor from him.
3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in this crime and is languishing in jail since 23.07.2021 and due to COVID-19 pandemic, conclusion of trial is likely to take some time, therefore, he may be released on bail.
4. On the other hand, learned State Counsel opposed the bail application. However, he submits that the Applicant has no criminal antecedents against him.
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 quantity of the liquor, the fact that he is in jail since 23.07.2021 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 Applicant's 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, 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's involving himself in any offence in future.

Sd/-

Gautam Chourdiya

JUDGE

Priya