

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6144 of 2021

1. Nakul Sahu, S/o Late Dhandhu Sahu, aged about 41 years, R/o – Krishna Nagar, Gudhiyari, Police Station – Gudhiyari, Raipur, District - Raipur (C.G.)
2. Narendra Shrivash, S/o Late Laxman Shrivash, aged about 51 years, R/o – Ramkund, Police Station – Azad Chowk, Raipur, District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Police Station – Excise Circle, Abhanpur, Raipur, District Raipur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Shivendu Pandya, Advocate
For Non-Applicant/State	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

14.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 27.07.2021 in connection with Crime No. 23/2021 registered in Excise Circle, Abhanpur, Raipur, District Raipur (CG), for the offence punishable under Sections 34 (2), 59 (A), 36 of C.G. Excise Act and Section 34 of IPC.
2. Learned counsel for the State submits that applicant No. 1 Nakul Sahu has five criminal antecedents.
3. Learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.1 Nakul Sahu with liberty to file a fresh application as and when occasion arises.
4. Accordingly, the bail application on behalf of applicant No.1 Nakul Sahu is dismissed as withdrawn with the liberty as stated above.
5. Now this Court considers the bail application on behalf of applicant No. 2 Narendra Shrivash.
6. Prosecution case in brief is that on 27.07.2021 Excise Officer, Excise Circle, Abhanpur, Raipur, received a secret information during patrolling and acting

on the said information, they intercepted one Maruti Suzuki Omni bearing registration No. CG 04 ZD 3725 in which applicants No. 1 & 2 were transporting illicit liquor and they were found in illegal possession of 180 bulk liters of foreign liquor.

7. Learned counsel for the applicants submits that applicant No.2 Narendra Shrivash has been falsely implicated in the crime in question, applicant No. 2 has no criminal antecedents, there is no likelihood of applicant No.2 tampering with the prosecution evidence or absconding, he is in jail since 27.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, applicant No.2 be released on bail by this Court.
8. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that applicant No.2 Narendra Shrivash has no criminal antecedents.
9. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of applicant No.2 Narendra Shrivash who is 51 years old, the fact that applicant No.2 has no criminal antecedents, there is no likelihood of applicant No.2 tampering with the prosecution evidence or absconding as admitted by both the counsels and due to Covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the bail application on behalf of applicant No.2 Narendra Shrivash is allowed.
10. It is directed that in the event of applicant No.2 Narendra Shrivash 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 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/her 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.

11. 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 No.2 involving himself in similar nature of offence.

12. In the result, the bail application on behalf of applicant No.1 Nakul Sahu is dismissed as withdrawn with the liberty as prayed for, whereas bail application on behalf of applicant No.2 Narendra Shrivash is allowed on the aforesaid terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge