

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 6212 of 2021

1. Hirau Ram Mandle, S/o Shri Chova Ram Aged, About 49 Years, R/o Village Pacheda, Thana Khallari, Tahsil Bagbahra, District Mahasamund (C.G.)
2. Javed Khan, S/o Shri Ahmad Khan, Aged About 34 Years, R/o Stationpara, Ward No. 3 Mahasamund, Thana, Tahsil and District-Mahasamund (C.G.). **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, P.S. Khallari, District- Mahasamund (C.G.). **---- Non-Applicant**

For Applicants : Mr. Sunil Sahu, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.08.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 06.08.2021 in connection with Crime No. 132/2021 registered at Police Station- Khallari, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) At the outset, learned counsel for the applicant seeks to withdraw the bail application insofar as it relates to the applicant No.1 Hirau Ram Mandle.

- 6) Accordingly, the present bail application on behalf of applicant No.1 Hirau Ram Mandle is dismissed as withdrawn.
- 7) Allegation against the applicant No.2 that he was found in illegal possession of 17.640 bulk litre liquor.
- 8) Learned counsel for the applicant No.2 submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 06.08.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 9) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 10) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicant No.2, considering the quantity of illicit liquor, the detention period of the applicant No.2, who is 34 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application on behalf of applicant No.2 is allowed.
- 11) It is directed that in the event of the applicant No.2 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 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 similar offence in future.

In the result: bail application on behalf of Applicant No.1 Hirau Ram Mandle is dismissed as withdrawn whereas bail application on behalf of applicant No. 2 Javed Khan is allowed on above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

Nadim