

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6324 of 2021

1. Aajam Khan S/o Akhtar Khan, Aged About 33 Years, R/o Indira Nagar, Camp-2, Bhilai, Police Station Bhilai, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Excise Circle Tilda, District Raipur (C.G.).

---- Non-Applicant

For Applicant : Mr. Tarun Dansena, Advocate.

For Non-Applicant/State : Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

21/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/06/2021 in connection with Crime No. 03/2021 registered at Excise Circle Tilda, District Raipur (C.G.) for the offence punishable under Sections 34(2) & 36 of the Chhattisgarh Excise Act.
- 2) Allegation against the applicant is that he alongwith other co-accused namely Surendra Prasad were found in illegal jointly possession of **176.400 bulk Ltrs.** of foreign liquor. On report being lodged to the above effect, offence has been registered against the accused persons.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that charge sheet has been filed, the applicant is in jail since 19/06/2021. He submits that the co-accused namely Surendra Prasad has already been granted regular bail by this Court

passed in MCRC No. 4498/2021 vide order dated 14/07/2021. He further submits that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of trial is likely to take some time for its disposal due to COVID-19 Pandemic. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no criminal antecedents
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the present applicant, the detention period of the applicant who is 33 years old, the offence is triable by Magistrate, the fact that the applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused has already been released on bail by this Court, and conclusion of trial is seems to 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**

Chandrakant