

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6172 of 2021

1. Zabbar Khan S/o Idu Khan Aged about 55 years
2. Ahmad Khan S/o Yakub Khan, Aged about 30 years

Both R/o Daupara Chowk Andruj Ward Mungeli P.S. City Kotwali Mungeli,
District Mungeli (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through- SHO- City Kotwali Mungeli, District Mungeli (C.G.)

---- State/Non-Applicant

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

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 02.08.2021 in connection with Crime No. 407/2021 registered in Police Station City Kotwali Mungeli, District Mungeli (CG), for the offence punishable under Sections 34 (2) & 59 (A) of C.G. Excise Act.
2. Learned counsel for the State submits that applicant No. 1 Zabbar Khan has seven criminal antecedents.
3. Learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.1 Zabbar Khan with liberty to file a fresh application as and when occasion arises.
4. Accordingly, the bail application on behalf of applicant No.1 Zabbar Khan is dismissed as withdrawn with the liberty as stated above.
5. Now this Court considers the bail application on behalf of applicant No. 2 Ahmad Khan.
6. Allegation against applicant No. 2 Ahmad Khan is that he was found in illegal possession of 08.00 bulk liters of country liquor.

7. Learned counsel for the applicants submits that applicant No.2 Ahmad Khan 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 02.08.2021 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-Applicant/State opposes the bail application and submits that applicant No.2 Ahmad Khan 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 Ahmad Khan who is 30 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 Ahmad Khan is allowed.
10. It is directed that in the event of applicant No.2 Ahmad Khan 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 Zabbar Khan is dismissed as withdrawn with the liberty as prayed for, whereas bail application on behalf of applicant No.2 Ahmad Khan is allowed on the aforesaid terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge