

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6377 of 2021

1. Vijendra Kumar Pandey @ Bunty S/o Late Shitla Prasad Pandey, Aged About 33 Years, R/o Village Newai, Near Ittabhatta, Padhepara, Police Station Newai, District Durg (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through S.H.O. Police Station Nandni, District Durg (C.G.).

---- Non-Applicant

For Applicant	:	Mr. B.P. Singh, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27/09/2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 26/05/2021 in connection with Crime No. 145/2021 registered at Police Station Nandni, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act and Section 3 of Epidemic Diseases Act, 1897.
- 2) As per prosecution case, on 20/04/2021 the Police party stopped vehicle Innova Car bearing registration No. CG07 AK 8106. However, the driver of the vehicle taking advantage of darkness fled from the spot. The Police seized 1248 Quarters i.e. **224.640 Bulk Ltrs.** liquor from the said vehicle. During investigation co-accused Manish Kumar Lehre, Kailash Pal and present applicant Vijendra Pandey @ Bunty were taken into custody and their memorandum statements they admitted illegal transportation of the said liquor in association with other co-accused Kailash Pal and Ashish David.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the co-accused persons namely Kailash Pal in MCRC No. 5314/2021 and

Manish Kumar Lehre in MCRC No. 5885/2021 have already been granted regular bail by this Court vide order dated 09/09/2021 and 11/08/2021 respectively. He further submits that the applicant has been arrested on 26/05/2021. He submits that there is no apprehension of the applicant tampering with the evidence or absconding and conclusion of the trial is likely to take some time for its disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has **01 criminal antecedent** i.e. Crime No. 51/2011 under Section 456 & 354, 294, 506, 323, 34 of Indian Penal Code of the year 2011.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicant who is 33 years old, 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 have already been released on bail by this Court and that conclusion of trial may take some time, 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