

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6453 of 2021**

- Chandrahas Chourasiya @ Chandu, S/o Chandrashekhar, aged about 31 Years, Caste Barai, R/o Village Lambar, Police Station Saraipali, District Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Saraipali, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant Mr. Kishore Narayan, Advocate.

For State Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

22/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.332/2021 registered at Police Station- Saraipali, District Mahasamund, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of 86.400 bulk litres of liquor (*Goa Whisky*).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that applicant was arrested on 15.08.2021 and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, he may

be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has as many as five criminal antecedents bearing Crime No.59/2020 for the offence under Sections 294, 506, 186, 353 & 332 of IPC and ST/SC Act, Crime No.404/2014 for the offence under Section 34(2) of the Excise Act, Crime No.99/2017 for the offence under Section 34(2) of the Excise Act, Crime No.379/2015 for the offence under Section 294, 323 read with 34 of IPC and Instgasa No.209/2015 for the offence under Sections 107 & 116(3) of Cr.P.C.

At this stage, learned counsel for the applicant submits that the applicant has been acquitted by the Court below in relation to offence under Section 34(2) of the Excise Act under Crime No.404/2014 vide order dated 02.01.2015 passed in Criminal Case No.310/2014. Copy of the aforesaid order has been filed along with the covering memo.

5. 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 the applicant, who is 31 years old, the fact that though the applicant has five criminal antecedents but in one of them i.e. Crime No.404/2014 he has been acquitted by the Court below and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, the application is allowed.

It is directed that in the event of 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, 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge