

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6768 of 2021

- Nasbai Nishad, W/o Late Baldau @ Ghurau Nishad, Aged About 65 Years, Caste Kewat, R/o Village Malgaon, Tahsil and District- Gariyaband, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer Police Station Gariyaband, District- Gariyaband, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri A. D. Kuldeep, Advocate

For Non-Applicant/State : Shri K.K. Singh, G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

07.09.2021

- 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 applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 13.08.2021 in connection with Crime No. 218/2021, registered at Police Station- Gariyaband, District – Gariyaband (C.G.) for the offence punishable under Section- 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicant is that she was found in illegal possession of 8 bulk litre handmade country liquor.
- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, she has not committed any offence. He further submits that the applicant has only two criminal antecedents and there is no likelihood of her

tempering with the prosecution evidence or absconding. The applicant is in jail since 13.08.2021 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that he has two criminal antecedents under Section 34 (1) of C.G. Excise Act in the year of 2013 & 2015.
- 8) 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, considering the quantity of illicit liquor, the detention period of the applicant, who is 65 years old and there is no likelihood of her tempering 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 is allowed.
- 9) 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, she shall be released on bail, on following conditions:-
 - (a) she 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.
 - (b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
 - (d) she shall strictly follow the COVID-19 protocol issued by the Central Government/State

Government/Local Authority,

(e) she shall not involve herself 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 herself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim