

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7325 of 2021**

- Shashibhushan Miri, S/o Shri Keshavram Miri, aged about 24 Years, R/o Village Telibandha (Jhalap), P.S. Patewa, District Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Patewa, Tahsil and District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant Mr. Keshav Dewangan, Advocate.

For State Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****21/09/2021**

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 application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.225/2021 registered at Police Station- Patewa, District Mahasamund, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
5. Allegation against the applicant is that he was found in illegal

possession of 60 bulk litres of country made liquor (*Mahuwa*) and *Mahuwa Pas* inside the 500-500 litres drum as also the instruments for preparation of liquor.

6. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He submits that the applicant has no criminal antecedents, he was arrested on 06.09.2021 and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, he may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant has no criminal antecedent.
8. 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 24 years old and the fact that the applicant has no criminal antecedents 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

Akhilesh