

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7220 of 2020

1. B. P. Singh Mali S/o Tularam Mali, Aged About 27 Years,
 2. Gunsagar Mali, S/o Balmat Mali Aged About 20 Years,
- Both R/o Village Kosampani, Police Station Devbhog, District Gariyaband (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Devbhog District Gariyaband (C.G.).

---- Respondent

For Applicants	: Shri Mohammad Afroz Khan, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/12/2020

- 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 applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they in bail since 23/08/2020 connection with Crime No. 128/2020 registered at Police Station Devbhog District Gariyaband (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of 18 bulk Ltrs. of country made liquor (*Mahuwa*).
- 6) Learned counsel for the applicants submit that the applicants innocent and have been falsely implicated in the case. The

applicants were arrested on 23/08/2020. He also submits that the applicants have no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.

- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 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 applicants, considering the quantity of illicit liquor, the detention period of the applicants and the fact that the applicants have no criminal antecedent as admitted by both the counsels and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event **each** of the applicants executing a personal **bond** for a sum of **Rs. 50,000/-** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail. They are directed to appear before the Trial Court on each and every date given to them by the said Court, till disposal of the trial.
- 9) It is made clear that the applicants shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge