

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7836 of 2020

1. Jitendra Yadav & Anr. S/o Akadashiya Yadav Aged About 32 Years,
2. Kamal Singh Netam S/o Punauram Netam Aged About 33 Years,
Both R/o Village Gondli, Police Station Bilaigarh, District Baloda Bazar- Bhatapara (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Bhatgaon, District- Baloda Bazar-Bhatapara (C.G.).

---- Respondent

For Applicant	: Shri H.A.P.S. Bhatia, Advocate appears on behalf of Shri Anil Gulati, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04/12/2020

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 18/09/2020 in connection with Crime No. 188/2020 registered at Police Station Bhatgaon, District- Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicants is that they were found in illegal possession of 50 bulk Ltrs. country made liquor (Mahuwa).
- 3) Learned counsel for the applicants submit that the applicants innocent and have been falsely implicated in the case, the liquor has not been seized from the exclusive possession of the applicants but from the open place. The applicants are in jail

since 18/09/2020 and conclusion of trial is likely to take some time for its disposal. He submits that the applicants have no criminal antecedents. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) 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 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.
- 6) 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