

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7770 of 2020

1. Jaykumar Bariha S/o Shri Bodhan Bariha, aged about 22 years, R/o Village-Bilkhand, Police Outpost- Bhanwarpur, Tahsil- Basna, District Mahasamund (C.G.)
2. Homdev Sidar S/o Late Shri Anant Ram, aged about 32 years, R/o Village-Bilkhand, Police Outpost- Bhanwarpur, Tahsil – Basna, District Mahasamund (C.G.)

---- Applicants

Versus

- The State of Chhattisgarh, Through the Station House Officer of Police Station- Sarsiwan, District- Baloudabajar - Bhatapara (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Sunil Sahu, Advocate
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

24.11.2020

1. Heard on admission.
2. The application is admitted for hearing.
3. I.A. No. 1 of 2020, application for exemption from filing certified copy of bail rejection order, is rejected.
4. With the consent of the parties, the application is heard finally.
5. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 20.09.2020 in connection with Crime No. 303/2020 registered in Police Station- Sarsiwan, District Balodabajar - Bhatapara (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.
6. Allegation against the applicants is that they were found in illegal possession of 30 bulk litres of hand made liquor (*Mahuwa* liquor).

7. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 20.09.2020 and conclusion of the trial is likely to take some time.
8. On the other hand, learned counsel for the State opposes the bail application.
9. 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 applicants and the fact that conclusion of the trial may take some time, without expressing any opinion on merits of the case, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.25,000/- with two equivalent sureties for the like amount 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.
10. 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