

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8135 of 2020**

1. Dashrath, S/o Anantram Bariha, aged about 24 Years,
2. Gopichand, S/o Loknath Bariha, aged about 40 Years

Both are R/o Village Ditparri (Rankot), Outpost Beladula, Police Station Sarsiwa, District Baloda Bazar- Bhatapara, Chhattisgarh

----Applicants**Versus**

- State of Chhattisgarh, Through- Station House Officer, Police Station Sarsiwa, Outpost Beladula, District- Baloda Bazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicants	Mr. H.A.P.S. Bhatia, Advocate on behalf of Mr. Anil Gulati, Advocate.
For State	Ms. Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

02/12/2020

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 application under Section 439 of Cr.P.C. as they are in jail since 21.10.2020 in connection with Crime No.346/2020 registered at Police Station- Sarsiwa, Outpost Beladula, District Baloda Bazar- Bhatapara, C.G. for the offence punishable under Section 34 (2) of the C.G. Excise Act.

5. Allegation against the applicants is that they were found in illegal possession of 42 bulk litres of country made liquor (*Mahuwa*).
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 21.10.2020, and conclusion of trial is likely to take some time.
7. On the other hand, learned counsel for the State opposes the bail application.
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 applicants and the fact that conclusion of trial may take some time, 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.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