

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9094 of 2020

1. Benuram Sidar S/o Shri Shridhar Sidar Aged About 30 Years R/o Village Barpani, Police Station Saliha, District Balodabazar Bhatapara Chhattisgarh.
 2. Narsingh Sidar S/o Shri Sanat Ram Aged About 28 Years R/o Village Barpani , Police Station Saliha, District Balodabazar Bhatapara Chhattisgarh.
- Applicants**

Versus

- The State of Chhattisgarh Through Station House Officer Of Police Station Saliha District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/12/2020

- 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 are in jail since 27.11.2020 in connection with Crime No. 58/2020 registered at Police Station Saliha, District- Balodabazar- Bhathapara (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of 20 Ltrs. *Hath Bhatthi Mahua* liquor.
- 6) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have not committed any offence. Learned counsel for the applicants

further submit that the applicants have no criminal antecedent and as the applicants have been arrested on 27.11.2020 and trial is likely to take some time for its final 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 antecedent.
- 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 applicant, 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 conclusion of trial may take some time, the application is allowed. It is directed that in the event each of the applicant 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 applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge