

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9266 of 2020

1. Mohit Sahu S/o Shri Narad Sahu, Aged About 22 Years R/o Ward No. 13, Budhwari Para, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh.
2. Mahesh Sahu S/o Shri Suklal Sahu, Aged About 27 Years R/o Ward No. 13, Budhwari Para, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh.
3. Deepak Nishad, S/o Late Shri Sattu Nishad, Aged About 20 Years R/o Ward No. 13, Budhwari Para, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh. ---- **Applicants**

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station Chhuriya, District Rajnandgaon Chhattisgarh. ---- **Respondent**

For Applicants	:	Shri Shaleen Singh Baghel, Advocate
For Respondent/State	:	Dr. Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16/12/2020

- 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 06.12.2020 in connection with Crime No.175/2020 registered at Police Station Chhuriya, District- Rajnandgaon (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 82.080 Ltrs. countrymade 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 06.12.2020 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 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 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. 1,00,000/- with two sureties of Rs. 50,000/- 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**