

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9270 of 2020

1. Mahesh Chelak S/o Bajar Chelak Aged About 18 Years R/o Satnami Para, Ward No. 13, Rajim, District Gariyaband Chhattisgarh.
2. Anil Banjare S/o Rohit Banjare Aged About 20 Years R/o Tendua, Police Station Rakhi, District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Police Station Kurud, District Dhamtari Chhattisgarh.

---- Respondent

For Applicants	: Shri H.A.P.S. Bhatiya, 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 09.12.2020 in connection with Crime No. 585/2020 registered at Police Station- Kurud , District- Dhamtari (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 39.6 Ltrs. 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 09.12.2020 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