

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 172 of 2021

1. Pankaj Gond, S/o Deendayal Gond, 20 years.
2. Kujuram Vishwakarma, S/o Omkumar Vishwakarma, 27 years,
Both R/o Village- Kanhargaon, P.S. Dongargarh, Distt-
Rajnandgaon (C.G.).

---- Applicants

Versus

- State Of Chhattisgarh, Through Police Chowki Mohara, P.S. Dongargarh, Dist.- Rajnandgaon (C.G.).

---- Respondent

For Applicants	:	Shri Keshav Dewangan, Advocate.
For Respondent/State	:	Shri Vimlesh Vajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

13/01/2021

- 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 14/11/2020 in connection with Crime No. 522/2020 registered at Police Chowki Mohara, Police Station Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicant is that applicant No. 1- Pankaj Gond was found in illegal possession of 18 bulk liters Goa Whisky and applicant No. 2-Kujuram Vishwakarma was found in illegal possession of 9 bulk liters Goa Whisky.

- 6) Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question as they have not committed any offence. He further submits that the applicants have been arrested on 14/11/2020, trial is likely to take some time for its disposal, the appellants have no criminal antecedent. He lastly submits that the other co-accused namely Kumbhlal & Baldau Yadav @ Golu have been granted bail by this Court vide order dated 11.12.2020 & 14.12.2020 in MCRC No. 9040 of 2020 and MCRC No. 9042 of 2020 respectively. Therefore, the applicants be released on bail.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application. 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 that conclusion of trial may take some time and the other co-accused have been granted bail by this Court, without commenting upon merits of the case the application is **allowed**. It is directed that in the event of the applicants executing a personal **bond** for a sum of **Rs. 50,000/- each** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on the following conditions :-
- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
 - (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge