

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 302 of 2021**

1. Ajay Singh S/o Late Sadhu Singh, aged about 35 years, R/o Damini Colony, Gobrapara Nawapara, Rajim, District Raipur (C.G.)
2. Rajesh Markam S/o Kanhaiya Ram Markam, aged about 31 years, R/o Village Kharra, Post Darra, Police Station Kurud, District Dhamtari (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station – Telibandha, Raipur, District – Raipur (C.G.)

---- State/Non-applicant**M.Cr.C. No. 671 of 2021**

- Dinesh Sahu S/o Narayan Sahu, aged about 24 years, R/o Near Shitla Mandir, Gobra Nava Para, Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station – Telibandha, District – Raipur (C.G.)

---- State/Non-applicant**And****M.Cr.C. No. 676 of 2021**

- Toran Malhotra, son of Goverdhan Malhotra, aged about 24 years, Resident of Ward No. 20, Yadavpara, Gobra Nawapara, Rajim, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, Police Station Telibandha, Raipur, District Raipur (C.G.)

---- State/Non-applicant

For Applicants	:	Shri C.R. Sahu, Advocate, appears in M.Cr.C. No. 302/2021
For Applicants	:	Shri Somitra Kesharwani, Advocate appears in M.Cr.C. No. 671/2021 & M.Cr.No. 676/2021
For Non-Applicant/State	:	Shri Ajay Kumrani & Shri V.K. Agrawal, Panel Lawyer appear in all the applications

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****24.02.2021**

1. As all the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 501/2020 registered in

Police Station- Telibandha, Raipur, District Raipur (CG) for the offence punishable under Section 34(2) of C.G. Excise Act, they are being disposed of by this common order.

2. Prosecution case in brief is that on 28.12.2020 police of Police Station received information from the informant that near Krishak Nagar Jora some persons are transporting illicit liquor for the purpose of sale in their Eco-vehicle bearing registration No. CG 04 -LX- 8509 and on the basis of such information, the police conducted raid and searched the said vehicle in which all the applicants were found sitting and they were found in illegal possession of 315.00 bulk litres of foreign liquor.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 29.12.2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. He submits that there are one criminal antecedents of applicants Dinesh & Ajay and there are six criminal antecedents of applicant Toran Malhotra under the Sections of IPC and no any criminal antecedent under the Excise Act against him.
5. 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, that there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail applications are allowed.
6. It is directed that in the event of each of the applicants 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 on the following conditions:-

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- 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.
7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.
8. In the result, M.Cr.C. No. 302 of 2021, M.Cr.C. No. 671 of 2021 and M.Cr.C. No. 676 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge