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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 275 of 2021**

1. Sankat Mochan, S/o Vipin Singh, aged about 35 Years, Dahaur, P.S. Dehri, District Rohtas, Current Address- Tatibandh, Heerapur Chowk, Shankar Ji Mandir, In Front of Kirana Dukaan, District- Raipur (C.G.).
2. Naresh Kumar Nihal, S/o Lt. Lakhan Lal, aged about 31 Years, Raja Khariyan, Lakhmipur, PS- Raja Khariyar, District- Nuvapada (Orrisa) Current Address- Changorabhata, Near Hanuman Mandir, Raipur, District- Raipur (C.G.)

----Applicants

Versus

- State of Chhattisgarh, Through Police Station Suhela, District- Balodabazar-Bhatapara (C.G.).

---- Respondent

For Applicants
For State

Ms. Supriya Upasane, Advocate.
Mr. Dinesh Tiwari, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****18/01/2021**

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 application under Section 439 of Cr.P.C. as they are in jail since 30.12.2020 in

connection with Crime No.227/2020 registered at Police Station- Suhela, Balodabazar-Bhatapara, C.G. for the offence punishable under Section 34 (2) of the C.G. Excise Act.

5. Allegation against the applicants is that they were found in illegal possession of 34.560 bulk litres of liquor (Goa Special Whisky).
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 30.12.2020, and conclusion of trial is likely to take some time. She also submits that the applicants have only one criminal antecedent.
7. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have only one criminal antecedent.
8. 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 and the fact the applicants have only one criminal antecedent as admitted by both the counsels and that conclusion of trial may take some time, the application is allowed. 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:-

- (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

Akhilesh