

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 168 of 2021

1. Dhanau Ram Patel S/o Korauram Patel, Aged About 37 Years, R/o Village Renki, Chowki Hardibazar, District Korba (C.G.).
2. Dhanau Ram S/o Bhagauram, Aged About 58 Years, R/o Village Renki, Chowki Hardibazar, District Korba (C.G.)
3. Siya Ram S/o Sunaram Patel, Aged About 38 Years, R/o Village Renki, Chowki Hardibazar, District Korba (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh Through Out Post Hardibazar, Police Station Kusmunda, District Korba (C.G.).

---- Respondent

For Applicants : Mr. Tarun Dansen, Advocate appears on behalf
of Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, Panel Lawyer.

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 15/12/2020 in connection with Crime No. 487/2020 registered at Police Station Kusmunda, District Korba (C.G.) for the offence punishable under Sections 34(1)(a) & 34(2) of Chhattisgarh Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of **40** bulk Ltrs. of country made liquor (*Mahuwa*).

- 6) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 15/11/2020. He also submits that the applicants have no criminal antecedents and conclusion of trial is likely to take some time for its 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 antecedents.
- 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 and they are first offender 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 **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**

Chandrakant