

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 509 of 2021

1. Rahul Sonkar S/o Prasant Sonkar, Aged About 25 Years, Village R.D.A. Colony, Raipur, Thana Tikrapara Tahsil And District Raipur (C.G.) Mob. No. 8269131778 Adhar No. 815808169885 (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The Excise Officer, Excise Circle Tatibandh, District Raipur (C.G.).

---- Non-Applciant

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent/State	:	Ms. Seema Dixit, Panel Lawyer.

MCRC No. 552 of 2021

1. Jeetu Bajaj S/o Suresh Bajaj, Aged About 26 Years, R/o Village Mahadev Ghat, Raipura, Thana Pt. Dindayal Upadhyay Nagar Tahsil And District Raipur (C.G.). Mob. No. 7489771482 Adhaar No. 774628748723 (CG.)

----Applicant

Versus

1. State Of Chhattisgarh, Through The Excise Officer, Excise Circle Tatibandh, District Raipur (C.G.).

---- Non-Applciant

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent/State	:	Ms. Seema Dixit, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

24/03/2021

- 1) Heard.
- 2) As both these applications arise out of the same crime number they are being disposed of by this common order.

- 3) Applicants have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as they are in jail since 02/01/2021 in connection with Crime No. 61/2021, registered at Police Station Excise Circle Tatibandh, District Raipur (C.G.) for the offence under Sections 34(1)(a)(f), 34(2) & 59A(1)(2) of the Chhattisgarh Excise Act.
- 4) Allegation against the applicants is that they were found in illegal possession of **180 bulk Ltrs.** of foreign made liquor (Goa Whisky).
- 5) Learned counsel for the applicants in both the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 02/01/2021 and trial is likely to take some time for its disposal. He also submits that the applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail applications. However, she submits that the applicants have no criminal antecedents.
- 7) 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 who are 25 years and 26 years respectively, and the fact that the applicants are the first offender having no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial may take some time, the applications are **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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant