

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 799 of 2021

- Raju Nat, Son of Radheshyam Nat, Aged about 31 years, Resident of Village – Amora (Bijabhaat), Tehsil – Bemetara, District- Bemetara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – P.S. Excise Circle, Bemetara, District - Bemetara (C.G.)

---- State/Non-Applicant

And

M.Cr.C. No. 882 of 2021

- Ku. Kalpana Chauhan, Daughter of Hira Singh Chauhan, Aged about 21 years, Resident of Village – Bijabhaat, Working as Student, Police Station – Bemetara, Tehsil – Bemetara, District Bemetara (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – P.S. Excise Circle, Bemetara, District - Bemetara (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Manish Nigam, Advocate, appears in both the applications
For Non-Applicant/State	:	Shri Shrikant Kaushik, Panel Lawyer, appears in both the applications

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

26.02.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 106/2021 registered in Police Station- Excise Circle (Internal), Bemetara, District Bemetara (CG) for the offence punishable under Sections 34 (1) (a), 34 (2), 59-A & 36 of the C.G. Excise Act, they are being disposed of by this common order.
2. Allegation against the applicants is that they were found in illegal possession of 304.20 bulk liters of foreign liquor.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 05.01.2021 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.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, age of the applicants, they are the young offenders, their detention period, conclusion of the trial is likely to take some, there is no apprehension of the applicants tampering with the evidence or absconding, they have no criminal antecedents as admitted by both the counsel, 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:-
 - 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.

Sd/-
(Gautam Chourdiya)
Judge