

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 637 of 2021**

1. Sunny Mahant, S/o Dhaniram Mahant, aged about 21 Years, R/o Village Ward No. 4 Salar, Thana- Sarangarh District Raigarh (Chhattisgarh).
2. Yuvraj Vishwkarma, S/o Duryodhan Vishwkarma, aged about 20 Years, R/o Village Ward No. 4 Salar, Thana- Sarangarh District Raigarh (Chhattisgarh).

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Saraipali, District - Mahasamund (Chhattisgarh).

----Non-applicant

For Applicants
For State

Shri Vikash Pradhan, Advocate.
Shri Dinesh Tiwari, Deputy G.A.

Hon'ble shri Justice Gautam Chourdiya**Order on Board****01/02/2021**

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 12.01.2021 in connection with Crime No.12/2021 registered at Police Station- Saraipali, District Mahasamund, 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 50 bulk litres of country made liquor (*Mahuwa*).
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 12.01.2021 and conclusion of trial is likely to take some time. He also submits that the applicants have no criminal antecedents.
7. On the other hand, learned counsel for the 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, considering the quantity of illicit liquor, the detention period of the applicants and the fact that the applicants have no criminal antecedents as admitted by both the counsel and 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