

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 883 of 2021

1. Ganesh Kumar Jain S/o Ramanand (Wrongly mentioned as Ramnand in the order sheet) Jain, aged about 35 years, R/o Village – Kaleda, Police Station – Bhelsamunda, District – Bargarh (Odisha), Present Address – Mahavir Nagar, Suvidha Vihar, Raipur (C.G.)
2. Amit Kumar Yadav S/o Krishna Kumar Yadav, aged about 32 years, R/o Village – Kotkasin, Police Station – Kotkasin, District Alwar (Rajasthan), Present Address – Mahavir Nagar, Suvidha Vihar, Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through – Excise Circle West, District - Bilaspur (C.G.)

---- State/Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Ms. Seema Dixit, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

05.02.2021

1. Heard.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 15.01.2021 in connection with Crime No. 99/2021 registered in Police Station- Excise Circle West, Bilaspur, District Bilaspur (CG) for the offence punishable under Sections 34 (1) (a), 34 (2), 59-A & 36 of the CG Excise Act.
5. Allegation against the applicants is that they were found in illegal possession of 27.00 bulk liters of foreign liquor of other State which was being illegally transported in Santro Car bearing registration No. CG 04 B 7535.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 15.01.2021

and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.

7. On the other hand, learned counsel for the State opposes the bail application.
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, that there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
9. 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