

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 909 of 2021**

1. Devprakash Sahu, Son of Khugeswar Singh Sahu, Aged about 20 years, Resident of Ganesh Chowk, Pandar Dalli, P.S. Dallirajhara, Tahsil Daundi, District Balod, Chhattisgarh
2. Anand Kerketta, Son of Fransis Kerketta, Aged about 29 years, Resident of C.I.A.F. Line, Katulboard, District Durg, Chhattisgarh
3. Kamaljeet Singh, Son of Mahendra Singh, Aged about 30 years, Resident of Camp-02, Chatai quarter, Durg, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Khairagarh, District Rajnandgaon (C.G.)

---- State/Non-Applicant

And**M.Cr.C. No. 1106 of 2021**

- Manish Soni S/o late Parmanand Soni, aged about 35 years, presently residing at katulbod, Durg, P.S. & District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate, Rajnandgaon, District Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri S.S. Baghel, Advocate, appears in both the applications
For Non-Applicant/State	:	Shri Vaibhav Singh, 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. 24/2021 registered in Police Station- Khairagarh, District Rajnandgaon (CG) for the offence punishable under Section 34 (2) of the C.G. Excise Act, they are being disposed of by this common order.
2. Prosecution case in brief is that on 15.01.2020 police of Police Station Khairagarh received information from the informant that some persons are transporting illicit liquor for the purpose of sale in their Safari-vehicle bearing

registration No. CG 04 -KV- 1007 and on the basis of such information, the police conducted raid and searched the said vehicle in which all the applicants were found sitting and they were found in illegal possession of 225.00 bulk litres of foreign liquor. It is alleged that during raid applicants Devprakash Sahu, Anand Kerketta & Kamaljeet Singh were arrested on the same day i.e. 15.01.2021 whereas applicant Manish Soni absconded. Thereafter, on 23.01.2021 applicant Manish Soni was arrested by the police.

3. 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 23.01.2021 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. He submits that there is no criminal antecedent of applicants in M.Cr.C. No. 909 of 2021. But, there are nine criminal antecedents of the applicant in M.Cr.C. No. 1106 of 2021.
5. In view of the above, learned counsel for the applicant seeks to withdraw the bail application (M.Cr.C. No. 1106 of 2021) filed on behalf of applicant Manish Soni with liberty to file a fresh application as and when occasion arises.
6. Accordingly, the application (M.Cr.C. No. 1106 of 2021) is disposed of as withdrawn with the liberty as stated above.
7. Having heard learned counsel for the parties in M.Cr.C. No. 909 of 2021, 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 application (M.Cr.C. No. 909 of 2021) is allowed.

8. It is directed that in the event of each of the applicants namely Devprakash Sahu, Anand Kerketta & Kamaljeet Singh 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.

9. 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.

10. In the result, M.Cr.C. No. 1106 of 2021 is disposed of as withdrawn with the liberty as stated above and M.Cr.C. No. 909 of 2021 is allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge