

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1182 of 2021

1. Arvind Sonkar S/o Lt. Ramsjiwan, Aged About 35 Years, R/o Ram Nagar Kohka Road, Ambedkar Nagar, Supela, Bhilai, P.S. Vaishali Nagar, District Durg (C.G.)
2. Rahul Pandit Pawar S/o Lt. Ashok Pandit Pawar, Aged About 25 Years, R/o Bhairav Basti Sharda Para, Ward No. 23, Bhilai, P.S. Chhawani, District Durg (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Police Station City Kotwali, Balodabazar (C.G.).

---- Non-applicant

For Applicants : Mr. H.A.P.S. Bhatia, Advocate.

For Non-Applicant/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/02/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 23.01.2021 in connection with Crime No. 61/2021 registered at Police Station City Kotwali Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Case of the prosecution, in brief, is that upon receipt of secret information in the night intervening 22.01.2021 and 23.01.2021 the police party intercepted the vehicle Scorpio bearing registration No. C.G. 07 M 9445 in which two persons namely Arvind Sonkar and Rahul Pandit i.e. the present applicants were found carrying illicit liquor totaling **180 bulk** litres of foreign liquor. In their memorandum statements, it was stated that they were taking the said liquor for co-accused Nandlal Jangde. On the basis of the

above, offence under Section 34 (2) of C.G. Excise Act has been registered against the accused persons.

- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. He submits that co-accused Nandlal Jangde has already been granted regular bail by this Court vide order dated 24/02/2021 in MCRC No. 1235/2021. The applicants were arrested on 23.01.2021, they have no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor i.e. 90 bulk liters from each of the applicants, the detention period of the applicants and the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that co-accused in this case has already been released on bail by this Court, and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event **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.

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**

Chandrakant