

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 984 of 2021

- Sandeep Valde, S/o Dindayal Valde, Aged about 32 years, R/o Ward No. 02, Danteshwari Para, Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Excise Circle Ambagarh Chowki, Rajnandgaon, District Rajnandgaon (C.G.)

---- State/Non-Applicant

And

M.Cr.C. No. 1319 of 2021

- Punesh Sahu, Aged about 33 years, S/o Shri Ashwani Sahu, R/o Village – Achholi, P.S. - Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Excise Circle – Ambagarh Chowki, District - Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Ajay Kumar Chandra, Advocate, appears in M.Cr.C. No. 984/2021
For Applicant	:	Shri Rakesh Kumar Thakur, Advocate, appears in M.Cr.C. No. 1319/2021
For Non-Applicant/State	:	Shri Amit 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. 48/2021 registered in Police Station- Excise Circle Ambagarh Chowki, District Rajnandgaon (CG) for the offence punishable under Sections 34 (1) (a) (2), 36 & 59-A of the C.G. Excise Act, they are being disposed of by this common order.
2. Prosecution case in brief is that on 22.01.2021 police of Police Station Excise Circle Ambagarh Chowki received information from the informant that some persons are transporting illicit liquor in their white coloured Maruti

Suzuki Swift Desire vehicle bearing registration No. CG 08 -V- 6515 and on the basis of such information, the police conducted raid and searched the said vehicle in which both the applicants were found sitting and they were found in illegal possession of 180.00 bulk litres of foreign liquor.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 22.01.2021 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 only one 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.
8. In the result, M.Cr.C. No. 984 of 2021 and M.Cr.C. No. 1319 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

vatti