

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1589 of 2021

1. Deepak Bariha S/o Anjorsingh Bariha, Aged About 29 Years,
2. Roshanlal Thakur S/o Dashru Thakur, Aged About 24 Years,

Both are R/o Village Kalyanpur, Police Station And Tehsil Baagbaahra, District Mahasamund (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Komakhan, District Mahasamund (C.G.).

---- Non-applicant

For Applicants	:	Mr. Priyank Rathi, Advocate.
For Non-Applicant/State	:	Mr. Hariom Rai, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/02/2021

- 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 First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 14/02/2021 in connection with Crime No. 30/2021 registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.

- 5) Allegation against the applicants is that they were found in illegal possession of **30.400** bulk Ltrs. of country made liquor (*Mahuwa*).
- 6) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 14/02/2021, 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.
- 7) On the other hand, learned counsel for the respondent/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 and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, 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.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant