

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1611 of 2021

1. Shiv Sidar S/o Gop Singh Sidar Aged About 21 Years R/o Village Bunga, Police Station Pusour, District Raigarh Chhattisgarh., District : Raipur, Chhattisgarh
2. Nirmal Gupta S/o Lalit @ Diwakar Gupta Aged About 19 Years R/o Village Bunga, Police Station Pusour, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sariya , District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

--Non-Applicant

For Applicants	: Shri Prabhat Kumar Saxena, Advocate
For Non-Applicant/State	: Ms. Seema Dixit, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

03.03.2021

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 5.2.2021 in connection with Crime No. 11/2021 registered at Police Station-Sariya, District- Raigarh for the offence punishable under Sections 34 (2), 59(A) of C.G. Excise Act.
5. Allegation against the applicants is that they were found in illegal possession of 40 bulk liters of country made liquor(Mahuwa).
6. Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have

not committed any offence. Learned counsel for the applicants further submit that the applicants have no criminal antecedent and as the applicants have been arrested on 5.2.2021 and trial is likely to take some time for its final disposal, therefore, the applicants may 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 antecedent.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the manner in which the liquor was seized from the applicants, considering the quantity of illicit liquor, the detention period of the applicants and the fact that the applicants have no criminal antecedent as admitted by both the counsels and conclusion of trial may take some time, the application is allowed. It is directed that in the event of each of the applicant 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:-

(a) 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 them from disclosing such fact to the Court.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future.

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