

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1811 of 2021

1. Benuram Sidar, S/o- Sridhar Sidar, Aged About 30 Years, R/o Village- Barpani, Thana- Saliha, Tahsil- Kasdol, District- Baloda Bazar-Bhatapara, Chhattisgarh.
2. Mithun @ Vishwanath Seth, S/o Jalandhar Seth, Aged About 27 Years, R/o Village- Badetemri, Thana- Sankra, District- Mahasamund, Chhattisgarh.
3. Padum Lal Ratre, S/o Natwarlal Ratre, Aged About 50 Years, Village- Bejemaal, Thana- Sankra, District- Mahasamund, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through: The Police Thana- Sankra, District- Mahasamund, Chhattisgarh. **---- Non-Applicant/State**

For Applicants	: Shri Anshu Ratre, Advocate on behalf of Shri Deepak Jain, Advocate
For Non-Applicant/State	: Shri Sudhir Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.03.2021

- 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 22.02.2021 in connection with Crime No. 28/2021 registered at Police Station- Sankra, District- Mahasamund for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of 20 bulk Ltrs country made Liquor.
- 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 there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants have been arrested on 22.02.2021 and trial is likely to take some time for its final 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 applicant No.3 Padum Ratre has one criminal antecedent bearing Crime No. 78/2016 under Section 34 (A) of C.G. Excise Act, applicant No.1 Benuram Sidar has one criminal antecedent bearing Crime No.58/2020 under Section 34 (2) of C.G. Excise Act, however, applicant No.2 Mithun @ Vishwanath has no criminal antecedents.
- 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, the fact that the applicant No.2 has no criminal antecedents whereas applicant Nos. 1 & 3 have only one criminal antecedent under Excise Act, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 9) 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:-
 - (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 him 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 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

Nadim