

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1934 of 2021

1. Gopal Kshatriya S/o Suresh Kshatriya Aged About 27 Years R/o Village Kumhari, Chowki Lavan, Police Station Kasdol, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Dharam Bandhe S/o Bhuwan Bandhe Aged About 27 Years R/o Village Khairi, Police Station Palari , District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Palari, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

--Non-Applicant

For Applicant	: Shri Yogesh Kumar Chandra, Advocate
For Respondent/State	: Shri B.L. Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17/03/2021

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 24.02.2021 and 26.2.2021 respectively in connection with Crime No.74/2021, registered at Police Station- Palari, District Baloda Bazar-Bhatapara (CG) for the offence punishable under Section 34(2) of the C.G. Excise Act.

5. Allegation against the applicants is that they were found in illegal possession of 30 bulk liters of country made liquor(Mahua).
6. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the applicants have been arrested on 24.2.2021 and 26.2.2021 respectively and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail by this Court.
7. On the other hand, learned counsel for the Non-Applciant/State opposes the bail application. However, he submits that there is no criminal antecedents against the applicants.
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 there is no criminal antecedent against the applicants and conclusion of trial may take some time, the application is allowed. 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:-
 - (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.

9. 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 nature of offence in future.

Sd/

(Gautam Chourdiya)
Judge

sunita