

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 2678 of 2021

- Manish Kumar Sahu, S/o Rooplal Sahu, Aged About 24 Years, R/o Ward No. 5, Chikhali, Rajnandgaon, Tehsil and District- Rajnandgaon, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through: Out Post Chikhali, Police Station Kotwali, District – Rajnandgaon, Chhattisgarh.

---- Non-Applicant

with

MCRC No. 3330 of 2021

1. Punesh Sahu, S/o Tejaswini Sahu, Aged About 33 Years, R/o Vill. Acholi, P.S.- Dongargarh, District : Rajnandgaon, Chhattisgarh
2. Sandip Walde, S/o Deendayal Walde, Aged About 32 Years, R/o- Ward No. 2, Danteshwaripara, P.S.- Dongargarh, District : Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- Station House Officer, O.P.- Chikhli, P.S.- Kotwali, District : Rajnandgaon, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri S.S. Baghel, Shri Devershi Thakur,
Advocates
For Non-Applicant/State : Shri Adil Minhaj, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15.06.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.

- 2) The applicants have preferred these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as applicant Manish Kumar Sahu is in jail since 22.03.2021 and applicants Punesh Sahu and Sandip Walde are in jail since 03.05.2021 in connection with Crime No.178/2021 registered at Police Station- Out Post Chikhali, District- Police Station Kotwali, Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 3) Allegation against the applicants are that they were found in illegal possession of 69.120 bulk Ltrs. foreign liquor.
- 4) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, he further submits that the applicant are the young offenders, the applicants have no criminal antecedents except two *istagasha* lodged against the applicant Manish Kumar Sahu there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are in jail since 22.03.2021 & 03.05.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail applications and submits that applicants have no criminal antecedents, however, only two *instagasha* has been lodged against the applicant Manish.
- 6) 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, who are 24, 33 and 32 years old and the fact that the applicants have no criminal antecedents however, only *instagasha* has been lodged against the applicant Manish, 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 applications are allowed.

7) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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.
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

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