

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3004 of 2021

1. Santosh Yadav, aged about 46 years (wrongly written as 48 years), Son of Jagdish Yadav, R/o Near Trimurti Talkies, Champa, Police Station Champa, District Janjgir-Champa (C.G.)
2. Anil Kumhar, Son of Horilal Kumhar, aged about 35 years, R/o Near Trimurti Talkies, Champa, Police Station Champa, District Janjgir-Champa (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Urga, District Korba (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Basant Kaiwartya, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.06.2021

1. Heard on admission.
2. Admit.
3. With the consent of learned counsel for the parties, the matter is heard finally.
4. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 03.05.2021 in connection with Crime No. 108/2021 registered in Police Station- Urga, District Korba (CG) for the offence punishable under Sections 34 (1) (A), 34 (2) & 59 (A) of the CG Excise Act.
5. Allegation against the present applicants is that they were found in illegal possession of 10.00 bulk liters of hand made *mahuwa* liquor.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 03.05.2021 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
7. On the other hand, learned counsel for the State opposes the bail

application.

8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, detention period of the applicants who are 48 & 35 years old, conclusion of the trial is likely to take some, the applicants have no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
9. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
10. 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.

Sd/-

(Gautam Chourdiya)
Judge