

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No.3379 of 2021

1. Hemant Kumar Sahu, S/o Fulchand Sahu, aged about 35 years, R/o Village Dhaneli, Thana Mujgahan, District Raipur (CG)
2. Satish Kumar Sen, S/o Late Shri Doulatram Sen, aged about 40 years, R/o Village Rakhi, Thana Rakhi, District Raipur (CG)

**– Applicants
(In Jail)**

Versus

State of Chhattisgarh, Through Police Station Thana Incharge Baghbahara, District Mahasamund (CG)

– Non-applicant

For Applicants : Mrs. Smita Jha, Advocate.

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.06.2021

- 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 3.5.2021 in connection with Crime No.95/2021 registered at Police Station-Baghbahara, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of 47 liters of country made liquor (*Mahuwa*).
- 6) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 3.5.2021 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 Non-Applicant/State opposes the bail application and submits that the applicants have no criminal antecedents.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicants, the fact that the applicants have no criminal antecedents, 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 of each of the applicants executing a personal bond for a sum of Rs.1 lac with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on 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 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.

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