

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3252 of 2021

1. Prakash Yadav, S/o Kuldeep Yadav, aged about 23 years.
2. Vikki Nirmalkar S/o Late Ashok Nirmalkar, aged about 21 years.

Both are resident of Aajad Chowk, Dhamdha, Police Station Dhamdha, District Durg (CG)

---- Applicants (In Jail)

Versus

- The State of Chhattisgarh Through The Station House Officer, Police Station Dhamdha, District Durg (CG)

---- Non-applicant

For Applicants	:	Mr. Sandeep Yadav, Advocate
For Non-applicant	:	Mr. Ravish Verma, Govt. Advocate

(Proceedings through video conferencing)

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

21.5.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 9.5.2021 in connection with Crime No.68/2021 registered at Police Station Dhamdha, District Durg for commission of the offence punishable under Section 34 (2) of the CG Excise Act.
2. Case of the prosecution, in brief, is that on 9.5.2021 the police during patrolling had received secret information from the Informer that the applicants, who are going towards Dhamda from Pathariya Chowk on motorcycle bearing number CG07-BW-5991, are carrying illicit liquor. The applicants were intercepted by the police, on search being made, they were found in illegal possession of 23.04 bulk liters of country made liquor.
3. Mr. Sandeep Yadav learned counsel for the applicants submits that the applicants have not committed the offence as alleged against them.

Applicants are in custody since 09.5.2021 and they are not having any criminal past. He further submits that the applicants are ready and willing to abide all the conditions which may be imposed by this Court while granting bail to them. Hence, the applicants may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against the applicant, period of detention i.e. from 9.5.2021, without commenting anything on merits of the case, I am inclined to release the applicants on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.20,000/- each with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) they shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) they shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are found involved in similar kind of offence in future, it will be open for the State to apply for cancellation of their bail.
8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Vacation Judge

roshan/-