

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 3573 of 2021**

1. Omprakash Vastrakar, S/o Shri Gahsi Ram Vastrakar, aged about 45 Years, R/o Village Tikarapara Jhalap, Thana Patewa, District Mahasamund, Chhattisgarh.
2. Shankar Vishwakarma, S/o Shri Dukalu Vishwakarma, aged about 23 Years, R/o Village Nawagaon, Thana Patewa, District Mahasamund, Chhattisgarh.

----Applicants

Versus

- The State of Chhattisgarh, Through Station House Officer of Police Station Basna, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicants	Mr. Sumit Shrivastava, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****14/06/2021**

1. The matter is listed for order on default.
2. Learned counsel for the applicants submits that the default as pointed out by the Office has already been removed by filing fresh page No.2 of the bail petition with the covering memo today itself.
3. In view of above, the default stands cured.
4. Heard on admission.

5. The application is admitted for hearing.
6. With the consent of the parties, the matter is heard finally.
7. The applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.226/2021 registered at Police Station Basna, District Mahasamund, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.
8. Allegation against the applicants is that they were found in illegal possession of 14.430 bulk litres of foreign liquor.
9. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 06.05.2021, they have no criminal antecedents and conclusion of trial is likely to take some time.
10. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicants have no criminal antecedents.
11. 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, who are 45 & 23 years old, and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel 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.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 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

Akhilesh