

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3580 of 2021

1. Ramesh Kumar Banchhor, S/o Shri Ram Vastrakar, Aged About 45 Years, R/o. Village - Tikrapara Jhalap, Thana - Patewa, District - Mahasamund Chhattisgarh.
2. Aman Kumar Vastrakar S/o Shri Omprakash Vastrakar, Aged About 23 Years, R/o. Village - Tikrapara Jhalap, 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	: Shri Sumit Shrivastava, Advocate
For Non-Applicant/State	: Shri Anand Verma, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

14.06.2021

- 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 06.05.2021 in connection with Crime No.227/2021 registered at Police Station- Basna, District-Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of 16.200 bulk Ltrs English Liquor.
- 6) Learned counsel for the applicants submit that the applicants

have been falsely implicated in the crime in question. Learned counsel for the applicants further submits applicants are the first offenders, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 06.05.2021 and due to COVID-19 trial has not yet commenced and 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 respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
- 8) 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 23 and 45 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19, 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.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:-
 - (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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(e) 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

Nadim