

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 4066 of 2021**

- Murlidhar @ Santosh Patel son of Shri Guruprasad Patel, aged about 43 years, resident of village Amlipali, Police Station Sariya, District Raigarh, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through P.S. Sariya, District - Raigarh (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 3636 of 2021**

1. Chulesh son of Shri Kishor Bhoy, aged about 19 years, resident of Village Amlipali, Police Station Sariya, District Raigarh, Chhattisgarh
2. Tarani S/o Tulsi Sonwani, Aged about 27 years, permanent address Village Birjupali, Police Station Ambabhuna, District Bargarh Odisha (Village Birjupali is the local address)

---- Applicants**Versus**

- State of Chhattisgarh, Through P.S. Sariya, District - Raigarh (C.G.)

---- State/Non-Applicant

For Applicants : Shri Kamal Kishor Patel, Advocate

For Non-Applicant/State : Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****02.07.2021**

1. M.Cr.C. No. 3636 of 2021 has already been admitted for hearing.
2. Heard on M.Cr.C. No. 4066 of 2021.
3. Admit.
4. With the consent of learned counsel for the parties, the bail applications (M.Cr.C. No. 4066 of 2021 & M.Cr.C. No. 3636 of 2021) are heard finally.
5. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 78/2021 registered in Police Station- Sariya, District Raigarh (CG) for the offence punishable under Sections 109 of IPC and Sections 34 (2) & 59 (A) of C.G.

Excise Act against applicant Murlidhar @ Santosh Patel and Sections 34 (2) & 59 (A) of C.G. Excise Act against applicants Chulesh & Tarani, they are being disposed of by this common order.

6. Allegations against the present applicants are that they were found in illegal possession of 70.365 bulk liters of foreign made liquor.
7. 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 07.05.2021 & 03.06.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
8. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application, however, he submits that applicant Murlidhar @ Santosh Patel i.e. M.Cr.C. No. 4066/2021 has only one criminal antecedents of the year 2003.
9. 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 19, 27 & 43 years old, the fact that only one criminal antecedents of applicant Murlidhar @ Santosh Patel of the year 2003, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the applications are allowed.
10. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with one surety of Rs.2,00,000/- 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/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.

11. 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.

12. In result, M.Cr.C. No. 4066 of 2021 & M.Cr.C. 3636 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

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