

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 2484 of 2021**

- Ishwar Uraon, S/o Sukhra Uraon, aged about 50 Years, Resident of Urdna Basti, Raigarh, Tahsil and District Raigarh, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Chakradharnagar, District Raigarh, Chhattisgarh.

----Non-applicant

MCRC No. 4090 of 2021

- Bhugdev Uraon, S/o Ghurau Uraon, aged about 40 Years, Occupation Labor, R/o Urdana Ward No. 46, PS City Kotwali, District Raigarh, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Thana In-Charge Chakradhar Nagar, District Raigarh, Chhattisgarh.

----Non-applicant

For Applicants	Shri Ashish Gupta & Shri Rajendra Tripathi, Advocates.
For State	Shri Ayaz Naved, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

30/06/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.157/2021 registered at Police Station Chakradhar Nagar, District Raigarh, C.G. for the offence punishable under Sections 34(1), 34(2) & 59(A) of the Excise

Act, they are being disposed of by this common order.

2. Allegation against the applicants is that they were found in illegal possession of 510 bulk litres of country made liquor (*Mahuwa*).
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 08.03.2021 and 12.03.2021, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of trial is likely to take some time.
4. On the other hand, learned counsel for the State opposes the bail application. He submits that applicant Ishwar Uraon has only one criminal antecedent of similar nature of the year 2020 whereas the applicant Bhugdev Uraon has no criminal antecedent.
5. 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 50 & 40 years old, charge sheet has already been filed and the fact that the applicant- Ishwar Uraon has only one criminal antecedent of similar nature of the year 2020 whereas the applicant Bhugdev Uraon has no criminal antecedent 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.2,00,000/- with two sureties of Rs.1,00,000/- 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