

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3428 of 2021**

1. Ambika Gupta S/o Satyendra Gupta, Aged About 33 Years, R/o Village Bhadar (Mahkepi), Police Chowki Ganeshmod, P.S. Basantpur, District Balrampur-Ramanujganj (C.G.).

----Applicant**Versus**

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Balrampur, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Hariom Rai, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, Panel Lawyer.

MCRC No. 4238 of 2021

1. Anil Kumar Yadav S/o Devrup Yadav, Aged About 24 Years, R/o Village Jargim, P.S. Shankargarh District Balrampur- Ramanujganj (CG.) *(Note- Village Name Wrongly Mentioned In Impugned Order Dated 26-05-2021).*

----Applicant**Versus**

1. State Of Chhattisgarh, Through Police Station Balrampur, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. A.K. Yadav, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, Panel Lawyer.

MCRC No. 4318 of 2021

1. Dev Kumar Kannaujiya S/o Amardas, Aged About 24 Years, Resident Of Syahi Mod, Police Station Basantpur, District Balrampur-Ramanujganj (CG.).

----Applicant**Versus**

1. State Of Chhattisgarh, Through Station House Officer, Police Station Balrampur, District Balrampur - Ramanujganj (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Sangeet Kumar Kushwaha, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

13/07/2021

- 1) Heard.
- 2) As all these applications arise out of the same crime number they are being disposed of by this common order.
- 3) Applicants have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as applicant Ambika Gupta & Anil Kumar Yadav are in jail since 29/03/2021 and applicant Dev Kumar Kannaujiya is in jail since 30/03/2021 in connection with Crime No. 64/2021, registered at Police Station Balrampur, District Balrampur-Ramanujganj (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, under Section 409, 420, 120-B of Indian Penal Code and under Section 63 of Copy Right Act.
- 4) Allegation against the applicant Ambika Gupta, Supervisor in the Foreign Liquor shop alongwith applicants Anil Kumar Yadav & Dev Kumar Kannaujiya is that in order to have illegal gains in a fraudulent manner filled the expensive foreign liquor bottles with the cheap range of liquor and that cheap range liquor bottles were filled with water. From their possession total **57.815 bulk liters** of foreign liquor were seized.
- 5) Learned counsel for the applicant in all the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 29/03/2021 & 30/03/2021 respectively and trial is likely to take some time for its disposal due to COVID-19 Pandemic. He also submits that the applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications. However, he submits that the applicants have no criminal antecedents.

7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, offence is triable by Magistrate and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. It is directed that in the event **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,
- 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 Govt./State Govt./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