

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4750 of 2021

1. Surendra Sori, S/o. Mangalu Ram, Aged About 25 Years, R/o. Village Chhote Bhirawand, Tahsil and District Kondagaon, Chhattisgarh.
2. Charan Singh, S/o. Jethuram, Aged About 23 Years, R/o. Village Chhotebanjoda, Tahsil District : Kondagaon, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- The Police Station Kondagaon, District- Kondagaon, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Pravin Kumar Tulsyan, Advocate
For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07.07.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) Learned State counsel submits that case diary is available.
- 4) Both the counsel are ready to make their submissions finally.
- 5) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 22.06.2021 in connection with Crime No.214/2021 registered at Police Station- Kondagaon, District- Kondagaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 6) Allegation against the applicants is that they were found in illegal possession of 17.8 bulk liter foreign liquor.
- 7) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned

counsel for the applicants further submit that the applicants are the young offenders, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding. The applicants are in jail since 22.06.2021 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 State/Non-Applicant opposes the bail application and submission made by the counsel for the applicants. It is submitted that in total 17.8 liter illicit liquor has been seized from the possession of the applicants. Hence, he is not entitled for grant of bail.
- 9) 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, 25 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 10) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum 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 not involve themselves in any offence of similar nature in future.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

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