

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 4947 of 2021**

1. Amardeep Maheswari @ Montu, S/o Krishna Maheswari, aged about 22 Years,

2. Lakhan Patil @ Paka, S/o Kamta Prasad Patil, aged about 28 Years,

Both are R/o Village Kachlon, P.S. Simga, District Balodabazar Bhatapara, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer P.S. Simga, District Balodabazar Bhatapara, Chhattisgarh.

----Non-applicant

MCRC No. 4979 of 2021

1. Amardeep Maheswari @ Montu, S/o Krishna Maheshwari, aged about 22 Years,

2. Lakhan Patil @ Paka, S/o Kamta Prasad Patil, aged about 28 Years,

Both are R/o Village Kachlon, P.S. Simga, District Balodabazar-Bhatapara, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, P.S. Simga, District Balodabazar-Bhatapara, Chhattisgarh.

----Non-applicant

For Applicant
For State

Shri Ashwini Amin, Advocate.
Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

11/08/2021

1. Both the aforesaid bail applications filed under Section 439 of Cr.P.C.

are being disposed of by this common order.

Applicants	Crime Nos. and Police Station	Offence under Sections	In jail since
Amardeep Maheswari @ Montu & Lakhan Patil @ Paka in MCRC No.4947 of 2021	Crime No. 104/2021 , Police Station Simga, District Balodabazar-Bhatapara, C.G.	Section 34(2) of the Excise Act	26.06.2021
Amardeep Maheswari @ Montu & Lakhan Patil @ Paka in MCRC No.4979 of 2021	Crime No. 277/2021 , Police Station Simga, District Balodabazar-Bhatapara, C.G.	Section 34(2) of the Excise Act	26.06.2021

2. Allegation against the applicants is that they were found in illegal possession of 9 bulk litres of liquor in MCRC No.4947/2021 & 12.600 bulk litres of liquor in MCRC No.4979 of 2021.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 26.06.2021 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 applications. He submits that applicant- Lakhan Patil @ Paka has one criminal antecedent of the year 2016 under Section 16 of the Gambling Act whereas applicant Amardeep Maheswari @ Montu has three criminal antecedents of the year 2019 & 2020 under Sections 394, 506, 323, 34 of Indian Penal Code.
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 22 & 28 years old and there is no likelihood of the applicants tampering with the

evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the applications are 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 any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh