

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 5112 of 2021**

- Pinku Parida, S/o Shri Mahendra Parida, aged about 21 Years, R/o Remed Chowk, Sambalpur, District- Sambalpur, (Orissa).

----Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station- Officer, Police Station- Singhoda, District- Mahasamund, Chhattisgarh.

----Non-applicant**MCRC No. 5122 of 2021**

- Jasketan Jal, S/o Shri Kartik Jal, aged about 31 Years, R/o Railway Colony, Khetrajpur, Sadar, Sambalpur, P.S.- Khetrajpur, District- Sambalpur (Orissa).

----Applicant**Versus**

- State of Chhattisgarh, Through- the Station House Officer, Police Station- Singhoda, District- Mahasamund, Chhattisgarh.

----Non-applicant

For Applicants	Shri Prateek Sharma, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

19/07/2021

1. Heard on admission.
2. The applications are admitted for hearing.
3. With the consent of the parties, both the applications are heard

finally.

4. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.48/2021 registered at Police Station Singhoda, District Mahasamund, C.G. for the offence punishable under Section 34(2) of the Excise Act, they are being disposed of by this common order.
5. Allegation against the applicants is that they were found in illegal possession of 79.440 bulk litres of liquor.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 03.07.2021, they have no criminal antecedents and conclusion of trial is likely to take some time.
7. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
8. 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 21 & 31 years old and the fact that the applicants have no criminal antecedents 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 similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh