

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 5295 of 2021**

- Ranjit Singh Bandesha Son of Onkar Singh Bandesha, Aged about 28 years, Resident of Ward No. 21, Camp-1, Aadarsh Nagar, Bhilai, Near Water Tank, Chhawani, Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, P.S.-Bemetara, District Bemetara (C.G.)

---- State/Non-Applicant**And****M.Cr.C. No. 5299 of 2021**

- Amanpreet Singh Bandesha Son of Onkar Singh Bandesha, Aged about 25 years, Resident of Ward No. 21, Camp-1, Aadarsh Nagar, Bhilai, Near Water Tank, Chhawani, Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, P.S.-Bemetara, District Bemetara (C.G.)

----State/Non-Applicant

For Applicants	:	Shri Manish Nigam, Advocate
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For Non-Applicant/State	:	Shri Rahim Ubwani, Panel Lawyer
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Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****10.08.2021**

1. As above both the first bail applications under Section 439 of Cr.P.C. preferred by the respective applicants arise out of the same Crime No. 200/2020 registered in Police Station- Bemetara, District Bemetara (CG) for the offence punishable under Section 34 (2) of the Excise Act, they are being disposed of by this common order.
2. As per prosecution story, the police party received a tip from the informant that co-accused namely Suresh Nishad is illegally selling liquor during lockdown and on 06.04.2020 he will illegally transport liquor and dump it to a

place near Village Kiritpur. On the basis of said information received, police reached the spot, at that time co-accused Suresh Nishad and the present applicants were preparing to unload the liquor from the vehicle and when Suresh Nishad saw the police, he absconded and the present applicants were arrested by the police. Allegation against the present applicants is that they were found in illegal possession of 423.360 liters of foreign liquor.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 07.04.2020, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applciant/State opposes the bail applications and submits that the applicants have no criminal antecedents.
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 25 & 28 years old, 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 counsels, charge-sheet has already been filed and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the applications are allowed.
6. 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 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/her 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.
7. 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 nature of offence.
8. In result, M.Cr.C. No. 5295 of 2021 & M.Cr.C. No. 5299 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge

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