

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5288 of 2021**

1. Udal Chauhan, S/o Pila Babu, aged about 23 Years,
2. Nand Kumar Chauhan, S/o Raghunath Chauhan, aged about 35 Years,

Both Caste Ganda, R/o Village Chanat, Tehsil and Police Station Basna, District Mahasamund, Chhattisgarh.

----Applicants

**Versus**

- State of Chhattisgarh, Through Police Station Basna, District Mahasamund, Chhattisgarh.

----Non-applicant

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|----------------|---------------------------------------|
| For Applicants | Shri Kishore Narayan, Advocate.       |
| For State      | Shri K.K. Singh, Government Advocate. |

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**26/07/2021**

1. The matter is heard through Video Conferencing.
2. Heard on admission.
3. The application is admitted for hearing.
4. With the consent of the parties, the matter is heard finally.
5. The applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.362/2021 registered at Police Station Basna, District Mahasamund, C.G. for the offence punishable under Section 34(2) of the C.G. Excise Act.

6. Allegation against the applicants is that they were found in illegal possession of 16 bulk litres of country made liquor (*Mahuwa*).
7. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 09.07.2021, they have no criminal antecedents and conclusion of trial is likely to take some time.
8. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
9. 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 23 & 35 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 application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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