

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5470 of 2021

1. Dharmendra Patel, S/o Shri Shobha Ram Patel, Aged About 26 Years, R/o Village- Amanara, Thana- Nuapada, District- Nuapada, Orissa.
2. Devnarayan Dewangan, S/o Shri Chaituram Dewangan, Aged About 48 Years, R/o Village- Sarabong, Thana- Nuapada, District- Nuapada, Orissa. **---- Applicants**

Versus

- State of Chhattisgarh, Through- Excise Officer, Excise Circle- Bagbahra, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri Sumit Shrivastava, Advocate
For Non-Applicant/State	: Shri K.K. Singh, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.07.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 18.07.2021 in connection with Crime No.30/2021 registered at Police Station- Excise Circle, Bagbahra, District- Mahasamund (C.G) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 5) Allegation against the applicants is that they were found in illegal possession of 26 bulk Ltrs country made Liquor.
- 6) 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 have no criminal antecedent, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 18.07.2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

- 7) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
- 8) 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 26 & 48 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
- 9) It is directed that in the event 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:-
 - (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,

- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim