

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5813 of 2021

1. Ram Prakash Singh, S/o Late Shri Tej Prakash Singh, Aged About 52 Years, R/o Bhilai, District- Durg, Chhattisgarh.
 2. Rahul Barle, S/o Shri Pyarelal Barle, Aged About 33 Years, R/o Village Alwad, District- Rajnandgaon, Chhattisgarh, Mob. No. 9826133252 .
- Applicants**

Versus

- State of Chhattisgarh, Through- Police Station Excise Circle No. 12, Naya Raipur, District- Raipur, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri S. S. Baghel, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

01.09.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 09.07.2021 in connection with Crime No. 10/2021, registered at Police Station- Excise Circle No.12, Naya Raipur, District- Raipur (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 2) The allegation against the present applicants is that they were found in illegal possession of 180 bulk litre English liquor.
- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. Learned

counsel for the applicants further submits that the applicants have no criminal antecedents, there is no likelihood of the their tampering with the prosecution evidence or absconding. The applicants are in jail since 09.07.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail application 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, the detention period of the applicants, who are 33 & 52 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 counsel and conclusion of trial may take some time, without commenting anything on merits of the case, the application is 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 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