

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5700 of 2021

1. Shankarlal Nayak S/o Shri Khageshwar Nayak, Aged About 42 Years, R/o Village Baramkela, Tahsil And Police Station Baramkela And District Raigarh (C.G.).
2. Ajay Sarthi S/o Shri Bharatlal Sarthi, Aged About 24 Years, R/o Village Singarpur, Police Station And Tahsil Sarangarh, District Raigarh (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Excise Sub Inspector, Excise Circle Sarangarh, District Raigarh (C.G.).

---- Non-applicant

For Applicants	: Mr. Abhishek Saraf, Advocate.
For Non-Applicant/State	: Mr. Chitenda Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 14/07/2021 in connection with Crime No. 24/2021 registered at Police Station Excise Circle Sarangarh, District Raigarh (C.G.) for the offence punishable under Sections 34(2) & 59(A) of Chhattisgarh Excise Act.
- 3) Allegation against the applicants is that they were found in illegal jointly possession of **50 bulk Ltrs.** of country made liquor (*Mahuwa*).
- 4) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 14/07/2021. He also submits that there is no apprehension of the applicants tampering with the evidence or

absconding and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.

- 5) On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant No. 2 Ajay Sarthi has 01 criminal antecedent under Section 354D of IPC whereas the applicant No. 1 Shankarlal Nayak has no criminal antecedents.
- 6) 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 42 years and 24 years respectively and that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the Counsel, offence is triable by Judicial Magistrate First Class and that 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. 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,
 - 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 Govt./State Govt./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**

Chandrakant