

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5441 of 2021

1. Chandra Bhushan Singh @ Bittu S/o Gajendra Singh, Aged About 28 Years,
 2. Babli Malkit Singh @ Rajveer Singh S/o Avtar Singh, Aged About 33 Years,
 3. Karan Sonwani S/o Jain Sonwani, Aged About 20 Years,
 4. Sawinder Singh S/o Harwash Singh, Aged About 24 Years,
- All are R/o Supela, District Durg (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Bhanpuri, District Bastar (C.G.).

---- Non-Applicant

For Applicant	:	Ms. Supriya Upasane, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer.

MCRC No. 6059 of 2021

1. Rupesh Kumar Soni S/o Mr. Paras Soni, Aged About 19 Years, R/o Main Road Dongri Para, Kondagaon District Kondagaon (C.G.)
2. Jitendra Kumar Kurre S/o Mr. Mannu Lal Kurre, Aged About 26 Years, R/o 267, Jamkot Para Ward No. 4, Kondagaon District Kondagaron (CG.)

----Applicant

Versus

1. State Of Chhattisgarh, Through The Police Station Bhanpuri, District Bastar Jagdalpur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Raza Ali, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

16/08/2021

- 1) Heard.
- 2) As both these applications arise out of the same crime number they are being disposed of by this common order.
- 3) Applicants have filed First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as they are in jail since 06/07/2021 in connection with Crime No. 61/2021, registered at Police Station Bhanpuri, District Bastar (C.G.) for the offence under Section 34(2) & 42 of the Chhattisgarh Excise Act.
- 4) As per the prosecution case, the Police Party seized total **252 liters** of foreign liquor from the possession of the applicants which were kept in Duster Vehicle bearing registration No. CG/HU/3121.
- 5) Learned counsel for the applicants in both the applications submits that the applicants are innocent persons and have been falsely implicated in this case. The applicants are in jail since 06/07/2021 and trial is likely to take some time for its disposal due to COVID-19 Pandemic. They submit that the applicants have no criminal antecedents. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned counsel for the State opposes the bail applications. However, she submits that the applicants have no criminal antecedents.
- 7) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, the fact that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, offence is triable by Magistrate and that conclusion of trial may take some time due to COVID-19 Pandemic, the applications are **allowed**. 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:-

- 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