

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5745 of 2021

1. Anil Yadav S/o Dashrath Yadav, Aged About 26 Years R/o Camp-1, Adarsh Nagar, Ward No. 21, Police Station Chhawani, Bhilai, District Durg (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The District Magistrate Durg, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Rudranath Mukherjee, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

MCRC No. 5945 of 2021

1. Sarjeet Singh Mehra @ Kake, S/o Amrit Singh, Aged About 24 Years, R/o J.P. Nagar, Sharda Para, Camp-2, Police Station Chhavni, Tehsil And District Durg (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Anmol Sharma, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

MCRC No. 5823 of 2021

1. S. Anil @ S. Rahul S/o S. Surya Rao, Aged About 27 Years, R/o Near Durga Kirana Store, Ward No. 21, Adarsh Nagar, Camp-1, Bhilai, Tehsil And District Durg (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Mr. Anmol Sharma, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

MCRC No. 6159 of 2021

1. Krishna Janghel S/o Rekhchand Janghel, Aged About 20 Years, R/o Arya Nagar Kohka, Police Station Supela, Bhilai, Tahsil And District Durg (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Jamul, District Durg (C.G.).

---- Non-Applicant

For Applicant	: Ms. Savita Tiwari, Advocate.
For Non-Applicant/State	: Mr. Shrestha Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

10/09/2021

- 1) Heard.
- 2) As all these applications arise out of the same crime number they are being disposed of by this common order.
- 3) The applicants have filed First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 for grant of bail as they are arrested in connection with Crime No. 168/2021, registered at Police Station Jamul, District Durg (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act.
- 4) Case of the prosecution, in brief, is that on 09/05/2021 the Police party after receiving secret information stopped the vehicle Bolero bearing Registration No. CG07 AW 2846 driven by the applicant Krishna Janghel, in which the other applicants and other co-accused persons were sitting. From the possession of the applicants and co-accused country made liquor **881.1 Bulk litres** were seized.
- 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 applicant Anil Yadav is in jail since

14/06/2021, Sarjeet Singh Mehra in jail since 13/05/2021, S.Anil @ S. Rahul is in jail since 09/05/2021 and applicant Krishna Janghel was arrested on 09/05/2021 and subsequently released by the Court below on temporary bail, presently Krishna Janghel is on temporary bail and he did not misuse the liberty so granted to him. It is submitted that the co-accused Mukesh Sahu has already been granted regular bail by this Court in MCRC No. 5819/2021 vide order dated 06/08/2021. It is further submitted that charge sheet has already been filed and conclusion of 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 who is 26, 24, 27 and 20 years old respectively, 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, in particular the fact that co-accused Mukesh Sahu has already been released on bail by this Court 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 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