

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 6259 of 2021

1. Santram, S/o Shri Ageshwar, Aged About 21 Years, R/o Village Nipani, Police Station Balod, District Balod, Chhattisgarh.
2. Than Singh, S/o Madhavram, Aged About 35 Years, R/o Village Nagadabri, Police Station Balod, District- Balod, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Gurur, District Balod, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Prasoon Agrawal, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

19.08.2021

- 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 **08.08.2021** in connection with Crime No. **243/2021** registered at Police Station- Gurur, District- Balod (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 9 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 submits that they are young offenders, there is no likelihood of them tampering with the prosecution evidence or absconding. The applicants are in jail since 08.08.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.

- 7) On the other hand, learned counsel for the Non-Applicants/State opposes the bail application, however, he submits that applicant No.1 has one criminal antecedent under Section 34 (1) of C.G. Excise Act and applicant No.2 has one criminal antecedent under Gambling Act & preventive action.
- 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 21 & 35 years old and the fact that there is no likelihood of the applicants 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.
- 9) 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