

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.6455 of 2021**

1. Rajesh Bariha S/o Gopinath Bariha Aged About 36 Years R/o - Village - Kotdwari, Chowki-Balouda, Police Station - Saraipali, District - Mahasamund (C.G.)
 2. Abhyendra Singh @ Abhay @ Chintu S/o Chandrabhan Singh Thakur Aged About 23 Years R/o - Village - Kotdwari, Chowki-Balouda, Police Station - Saraipali, District - Mahasamund (C.G.)
- Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Chowki - Balouda, Police Station - Saraipali, District - Mahasamund (C.G.)

---- Non-Applicant

For Applicants:

Shri Shivendu Pandya, Advocate.

For Non-Applicant/State:

Shri Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference

03.09.2021

1. The Applicants have preferred this application under Section 439 of Cr.P.C. as they have been arrested in connection with Crime No.126/2021 registered at Police Station Chowki-Balouda, Saraipali, District Mahasamund (CG) for the offence punishable under Section 34(2) of the CG Excise Act.
2. Case of the prosecution is that on receiving a secret information that the present Applicants were carrying illicit liquor at Sundar Nagar, Balouda, the police headed out and recovered 20 bulk liters of country made liquor (*mahua*) from them.
3. Learned counsel for the Applicants submits that the Applicants have been falsely implicated in this crime and are languishing in jail since 18.08.2021 and due to COVID-19 pandemic, conclusion of trial is likely to take some time, therefore, they may be released on bail.
4. On the other hand, learned State Counsel opposed the bail

application. However, he submits that the Applicants have no criminal antecedents against them.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, the quantity of the liquor, the fact that they are in jail since 18.08.2021 and that there are no criminal antecedents against them and the trial may take some time due to Covid-19 Pandemic, without expressing any opinion on the merits of the case, I am inclined to allow this application.

7. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event of the Applicants' executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- i. he/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/them from disclosing such fact to the Court,
- ii. he/they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he/they shall appear before the trial Court on each and every date given to him/them by the said Court till disposal of the trial.
- iv. he/they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he/they shall not involve himself/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 any offence in future.

Sd/-

Gautam Chourdiya
JUDGE

Priya