

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6504 of 2021

1. Amarjeet Singh S/o Kishan Singh, Aged About 45 Years, R/o Hotel Indraprasth, Kumhari Bhilai, District Durg (C.G.).
2. Gurdeep S/o Swarn Singh, Aged About 25 Years, R/o Hotel Indraprasth, Kumhari Bhilai, District Durg (C.G.).

---- Applicants

Versus

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

---- Non-applicant

For Applicants	: Mr. Navin Shukla, Advocate.
For Non-Applicant/State	: Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25/10/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 06/08/2021 in connection with Crime No. 187/2021 registered at Police Station Kumhari, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Case of the prosecution in brief, is that, on 05.08.2021, when Police was on patrolling duty, they received secret information that some persons are indulged in selling of illicit liquor in an abandoned factory. On the basis of secret information, Police reached the spot and found Karan Kumar Singh and Shiv Rao present. From their possession, the notice recovered 5 cartons, each of super speed whiskey. Based on seizure of illicit liquor from possession of Karan Kumar Singh and Shiv Rao, crime was registered against them. During the course of investigation, based on the memorandum statement of accused persons, present applicants have been also implicated in the crime.

- 3) Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 06/08/2021. He submits that the co-accused person namely Vijay Prakash has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 03/09/2021 passed in MCRC No. 1026 of 2021 **and** co-accused S. Laxman @ Raju Rao has already been granted regular bail by this Court vide order dated 21/09/2021 passed in MCRC No. 6317 of 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 on ground of parity.
- 4) On the other hand, learned counsel for the State opposes the bail application. However, she submits that the applicant Amarjeet Singh has **04** criminal antecedents, out of which 01 under Excise Act. She is unable to state whether applicant Gurdeep has any criminal antecedents as there is no mention about the same in the case dairy.
- 5) 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 45 years and 25 years respectively, the applicant Amarjeet Singh has only one criminal antecedent under the Excise Act whereas there is nothing to show regarding criminal antecedents of the applicant No. 2 Gurdeep, there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the Counsel, in particular the fact that co-accused Vijay Prakash and S.Laxman @ Raju Rao have already been released on bail by the Co-ordinate Bench and by this Court, 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