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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7032 of 2021**

- Ramchander Rajbhar, S/o Dhaniram Rajbhar, aged about 35 Years, Permanent R/o - Village - Asapar, P.S.- Jalarpur, District - Ambedkar Nagar (U.P.) and is Currently Residing at - Transport Nagar, Bhilai, P.S.- Bhilai-3, District - Durg, Chhattisgarh.
- Vijay Yadav, S/o Lt. Ramvishal Yadav, aged about 27 Years, R/o, Devada, P.S.- Sonmani, District - Rajnandgaon, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, P.S.- Bhatapara Village, District - Balodabazar-Bhatapara, Chhattisgarh.

----Non-applicant

For Applicant	Shri H.A.P.S. Bhatia, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

MCRC No. 6863 of 2021

1. Akshay Kumar Yadu, S/o Jaleshwar Yadu, aged about 23 Years, R/o Village Tarega, Police Station Bhatapra Gramin, District Baloda Bazar - Bhatapara Chhattisgarh.
2. Ajay Kumar Yadu, S/o Ramesh Yadu, aged about 29 Years, R/o Village Kodwa, Police Station Bhatapara (Gramin), District Baloda Bazar – Bhatapara, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through - Station House Officer, Police of Police Station Bhatapara Gramin, District - Baloda Bazar – Bhatapara, Chhattisgarh.

----Non-applicant

For Applicant	Shri Anil Gulati, Advocate.
For State	Shri Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/10/2021

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.394/2021 registered at Police Station Bhatapara Gramin, District Balodabazar-Bhatapara, C.G., for the offence punishable under Section 34(2) of the C.G. Excise Act, they are being disposed of by this common order.
2. At the outset, learned counsel for the applicants submit that they do not want to prosecute these bail applications in respect of applicants-Vijay Yadav and Ajay Kumar Yadu and seek to withdraw the same with liberty to file afresh as and when occasion arises.
3. Accordingly, the bail applications in respect of applicants- Vijay Yadav and Ajay Kumar Yadu is dismissed as withdrawn with the aforesaid liberty.
4. As per the prosecution case, on 27.08.2021, the police party seized total 270 bulk litres of liquor from the possession of the applicants namely Ramchander Rajbhar, Akshay Kumar Yadu and Vijay Yadav which was being carried by them in a vehicle bolero bearing Registration No. CG07-AU-8717. Further, 45 bulk litres of liquor was also seized at the instance of accused-Ajay Yadu.

5. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 27.08.2021, they have no criminal antecedents and conclusion of trial is likely to take some time. Therefore, they may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants- Ramchander Rajbhar and Akshay Kumar Yadu have no criminal antecedents.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicants, who are 35 & 23 years old and the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the 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, this Court is of the opinion that present is a fit case to release the applicants (Ramchander Rajbhar and Akshay Kumar Yadu) on bail. Accordingly, both the bail applications in respect of applicants- Ramchander Rajbhar and Akshay Kumar Yadu are allowed. It is directed that in the event of each of the applicants- Ramchander Rajbhar and Akshay Kumar Yadu 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, and
- (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 Government / State Government / 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 any offence in future.

8. In the result, bail applications in respect of applicants Ramchander Rajbhar and Akshay Kumar Yadu is allowed whereas bail applications in respect of applicants- Vijay Yadav and Ajay Kumar Yadu is dismissed as withdrawn.

Sd/-
Gautam Chourdiya
Judge