

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6864 of 2021

1. Bhawesh Pandey S/o Vidya Nidhan Pandey, aged about 33 years,
2. Anurendra Tiwari S/o Sursiri Prasad Tiwari, aged about 26 years,
3. Akhil Tiwari S/o Gajadhar Tiwari aged about 20 years

All are R/o nearby Shiv Mandir, Pandari, Police Station- Civil Line, Raipur,
Tehsil and District – Raipur, Chhattisgarh, Mobile Number- 9300639259

---- Applicants

Versus

- State of Chhattisgarh, Through : Police Station – Aamanaka, Raipur, District Raipur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Kishore Narayan, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

26.10.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 28.08.2021 in connection with Crime No. 201/2021 registered in Police Station- Aamanaka, District Raipur (C.G.), for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Allegation against the present applicants is that they were found in illegal possession of 81.00 bulk liters of foreign liquor.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 28.08.2021, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that applicants have no criminal antecedents under the Excise Act whereas applicant No.1 Bhawesh Pandey has two criminal antecedents under Section 294, 506 of IPC of the year 2014 and

under Section 379 of IPC of the year 2019.

5. 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 33, 26 & 20 years old, the fact that there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, the bail application is allowed.
6. 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 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/her 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 not involve themselves in any offence of similar nature in future.
7. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge