

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7565 of 2021

1. Radheshyam Nayak, S/o- Chhedilal Nayak, Aged About 51 Years, R/o Village Padkipali, P.S. Sankara, District- Mahasamund (C.G.).
 2. Dinesh Nayak, S/o Shri Radheshyam Nayak, Aged About 31 Years, R/o Village Padkipali, P.S. Sankara, District- Mahasamund (C.G.).
- Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer Sankara, District- Mahasamund (C.G.).
- Non-Applicant**

For Applicants : Shri Surfaraj Khan, Advocate

For Non-Applicant/State : Shri K. K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

28.09.2021

- 1) Default pointed out by the Registry of this Court is overruled.
- 2) Heard on admission.
- 3) The application is admitted for hearing.
- 4) With the consent of the parties, the matter is heard finally.
- 5) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 11.09.2021 in connection with Crime No. 170/2021, registered at Police Station- Sankara, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 6) Allegation against the applicants is that they were found in illegal possession of 35 bulk Ltrs country made Liquor.
- 7) 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 the applicants have no criminal antecedent, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 11.09.2021 and trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.

- 8) On the other hand, learned counsel for the respondent/State opposes the bail application, however, he submits that the applicants have no criminal antecedent.
- 9) 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 51 & 31 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant 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 application is allowed.
- 10) 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