

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9400 of 2020

1. Darbar Singh Yadav S/o Ram Singh Yadav, Aged About 61 Years,
2. Panda @ Sevakram Yadav S/o Darbar Singh Yadav, Aged About 35 Years,

Both are Resident of Village Bazar Para Bundeli, Outpost Bundeli Police Station Tendukona, District Mahasamund (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station (Outpost Bundeli) Tendukona, District Mahasamund (C.G.).

---- Non-applicant

For Applicants	:	Mr. Vikash Pradhan, Advocate.
For Non-Applicant/State	:	Ms. Shobha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12/02/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 18/11/2020 in connection with Crime No. 106/2020 registered at Police Station (Outpost Bundeli) Tendukona, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Allegation against the applicants is that they were found in illegal possession of **14** bulk Ltrs. of country liquor.
- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. The applicants were arrested on 18/11/2020. He also submits that the applicants have no criminal antecedents and conclusion of trial is likely to take some time for its disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
- 5) 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 and the fact that the applicants have no criminal antecedent as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. It is directed that in the event **each** 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. 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 not involve themselves in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant