

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9381 of 2020**

1. Nandram S/o Nanika Aged About 26 Years Caste Bhol R/o Village Indore Vicholi Mardana Thana Kanadiya District Indore M.P., District : Indore, Madhya Pradesh
 2. Jeevan Menda S/o Gaambhir Menda, Aged About 27 Years Caste Bhil R/o Village Indore Vicholi Mardana Thana Kanadiya District Indore M.P., District : Indore, Madhya Pradesh
- Applicants**

Versus

- State Of Chhattisgarh Through P.S. Excise Department Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicants	:	Mr. Vikash Shrivastava, Advocate.
For State	:	Dr (Ms) Veena Nair, Dy. Adv. General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02-02-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 12-11-2020 in connection with Crime No. 139 of 2020 registered at Police Station Excise Department, Jagdalpur, District Bastar (CG) for the offence punishable under Section 34(1)(a), 34(2) & 59(a) of the CG Excise Act.
2. Allegation against the present applicants is that they were found in illegal possession of 1620 bulk liters of foreign liquor.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the offence is triable by the Magistrate, the applicants are first and young offenders aged about 26 and 27 years, except present one, they have no other criminal antecedents, they are in jail since 12-11-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that the present applicants have no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, quantity of illicit liquor, the detention period of the applicants and the fact that the offence is triable by the Magistrate, the applicants have no other criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.
7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them 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 appear before the trial Court on each and every

date given by the said trial court, till disposal of the trial. The applicants are being granted 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 them 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial court in the even of the applicants involving themselves in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju