

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9164 of 2020

1. Abhishek Chandrakar S/o Horilal Chandrakar, Aged About 28 Years,
2. Khubchand Sahu S/o Radheshyam Sahu, Aged About 20 Years,
3. Praveen Chandrakar S/o Arjun Chandrakar, Aged About 20 Years.

All above are R/o Village Jaamgaon (R), Police Station Ranitarai Durg, District Durg (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Baghbahra, District Mahasamund (C.G.).

---- Non-applicant

For Applicants	:	Mr. Shubhank Tiwari, Advocate.
For Non-Applicant/State	:	Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/02/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 04/12/2020 in connection with Crime No. 268/2020 registered at Police Station Baghbahra, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) Case of the prosecution, in brief, is that on receipt of secret information, the police party intercepted the vehicle Mahindra Scorpio bearing registration No. CG 04 HX 6509 of the applicants near NH 353 Pithora Chowk Baghbahra and seized 216 liter of foreign liquor kept in 24 boxes from the said vehicle.
- 3) Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in the case. He submits

that they are in jail since 04/12/2020 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 one case bearing crime No. 116/2017 is pending against applicant No. 1, for the offence under Sections 294, 323 & 506 of IPC and one case bearing crime No. 96/2018 is pending against applicant No. 2 for the said sections.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that applicant No. 1 has one criminal antecedent of the year 2017 and applicant No. 2 has also one criminal antecedent of the year 2018 for the offence under Sections 294, 323 & 506 of IPC, there is no criminal antecedents of the applicants under Section 34 of Excise Act, the detention period of the applicants who are aged about 28, 20 and 20 years respectively and there is no apprehension of the applicants tampering with the evidence or absconding 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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

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**

Chandrakant