

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9174 of 2020

1. Pokhraj @ Pokhu Chandrakar S/o Ramesh Chandrakar Aged About 32 Years R/o Ward No. 12, Tendukona, Police Station And Tehsil Baghbahra, District Mahasamund Chhattisgarh
2. Doman Kumar Sahu @ Golu Sahu S/o Ishwar Prasad Sahu Aged About 31 Years R/o Ward No. 25, Kumhar Para, Mahasamund, Police Station And District Mahasamund Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Baghbahra, District Mahasamund Chhattisgarh

--Non-Applicant

For Applicants	:	Shri Shubhank Tiwari, Advocate
For Non-Applicant/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

28.01.2021

1. Heard.
2. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 4.12.2020 in connection with Crime No.267/2020, registered at Police Station- Baghbahra, District -Mahasamund (CG) for the offence punishable under Section 34 (2) of the C.G. Excise Act.
3. Case of the prosecution is that on 4.12.2020, the applicants were found in illegal possession of 90 liters of liquor.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question and they have not committed any offence. He fairly submits that earlier, two criminal case were registered against applicant No.1, under

Section 379 r/w 34 of the IPC and the Excise Act, but he has been acquitted of the said charges on 21.2.2017 and 19.7.2018 and now, except the present case no other case is pending against the present applicants. He submits that as the applicants have been arrested on 4.12.2020 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail by this Court.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he accepts that there is no criminal antecedent against the present applicants.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and further considering that the applicants are aged about 32 years and 31 years respectively; charge sheet has been filed and there is no likelihood of the applicants tampering with the evidence or absconding and the applicants have no criminal antecedents as admitted by both the parties; and conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
7. It is directed that in the event of 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:-
8. (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 or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

9. 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

sunita