

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 9280 of 2020

1. Suraj Kumar Yadav S/o Dukhu Yadav, aged about 32 years, R/o Khokhli, Thana- Bhatapara Gramin, District Baloda Bazar (C.G.)
2. Yashwant Sonwani S/o Dinesh Sonwani, aged about 20 years, R/o Panchshil Nagar, Gurunanak Ward Bhatapara, Thana- Bhatapara City, District Baloda Bazar (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through – Thana Bhatapara Gramin, District Baloda Bazar (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Deepak Jain, Advocate
For Non-Applicant/State	:	Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

19.01.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 02.12.2020 in connection with Crime No. 536/2020 registered in Police Station- Bhatapara Gramin, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Allegation against the applicants is that the applicants were found in illegal possession of 18.360 bulk liters of foreign liquor.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 02.12.2020 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, the detention period of the applicants, that they are the first offenders, there is

no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the bail application is allowed.

6. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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.

Sd/-
(Gautam Chourdiya)
Judge