

**(2021) 05 CHH CK 0183**

**In the Chhattisgarh High Court**

**Case No :** Miscellaneous Criminal Case (MCRC) No. 3273 Of 2021

Raju Singh

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision :** 28-05-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439  
Chhattisgarh Excise Act, 1915 — Section 34(2)

**Citation :** (2021) 05 CHH CK 0183

**Hon'ble Judges :** Sanjay S. Agrawal, J

**Bench :** Single Bench

**Advocate :** Soniya Kuldeep, Vikram Sharma

**Final Decision :** Allowed

## Judgement

Gautam Chourdiya, J

1. The application is heard through Video Conferencing.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 05.05.2021 in connection with Crime No. 182/2021 registered in Police Station- S.H.O. Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 34 (2) & 59(A) of the CG Excise Act.
3. Allegation against the present applicants are that they were found in illegal possession of 19.00 bulk liters of hand made mahuwa liquor.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 05.05.2021 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the quantity of illicit liquor, detention M.Cr.C. No. 3275 of 2021 period of the applicants who are 45, 40 & 32 years old, conclusion of the trial is likely to take some, the applicants have no criminal antecedents as admitted by both the counsel and there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail 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.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/her 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.