

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2512 of 2020

- Ajit Verma, son of Santosh Verma, aged 21 years, resident of Bhathapara, Ward No.9, Chakarbhata, PS Chakarbhata, District Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Chakarbhata, Distt. Bilaspur (CG)

---- Respondent

For Applicants	:	Shri K.K. Khatri, Advocate
For Respondent	:	Shri K.K. Singh, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu

ORDER

11/05/2020

1. Heard on I.A. Nos.1, 2 & 4 of 2020, applications for exemption from filing affidavit, memo of appearance & certified copy of bail rejection order.
2. This bail application has been filed through e-mail.
3. For the reasons assigned in the above applications, the same are allowed.
4. The applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.94/2020 registered at Police Station Chakarbhata, District Bilaspur (CG) for the offence punishable under Section 34 (2) & 59 (A) of the Excise Act.
5. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of country-made liquor of 07 bulk litre.
6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicate in the offence. He is in jail

since 14.4.2020. Though the investigation is not complete, but further detention of applicant is not necessary for completion of investigation. Therefore, at this stage, looking to the small quantity of liquor alleged to be seized from the possession of applicant, he may be granted regular bail.

7. On the other hand, learned counsel for the State opposes the bail application and submits that as unauthorized liquor was seized from the possession of applicant, a *prima facie* case is made out. Investigation is not complete, therefore, at this stage the bail application may be rejected.
8. Considering the facts and circumstances of case, particularly total quantity of liquor alleged to have been seized from possession of applicant, the fact that applicant is in custody from 14.4.2020, age of applicant i.e. 21 years, and that the offence is triable by a Magistrate, but without commenting anything on the merits of case, I am inclined to release applicant on regular bail.
9. Accordingly, the bail application is allowed. It is directed that on applicant's furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the Court below concerned, he be released on bail for his appearance before the Court below concerned as and when directed. It is made clear that registration of similar nature of case against the applicant in future, would entail automatic cancellation of bail without reference to this Court.
10. I.A. No.3/2020, application for hearing during lock down period, stands disposed off.
11. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-