

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2494 of 2020**

- Ajay @ Kheduram Kashyap S/o Shri Firatram Kashyap, aged 22 years, Caste-Kurmi, R/o Village Kosla, Tahsil and Police Station Pamgarh, District Janjgir Champa C.G.

----Applicant**VERSUS**

- State of Chhattisgarh through Excise Circle, Shivrinarayan, District Janjgir Champa C.G.

----- Non-applicant

For Applicant	: Mr. Sourabh Sahu, Advocate
For Non-applicant	: Mr. Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Parth Prateem Sahu**Order****11/05/2020**

1. Heard on application for exemption from filing affidavit and certified copy of impugned order dated 16.04.2020.
2. The learned counsel for the State submits that he has received advance copy of the bail application.
3. In view of the said submission, the defaults pointed out by the Registry is over-ruled.
4. This bail application has been filed through e-mail.
5. For the reasons assigned in the above application, the same is allowed.
6. The applicant has preferred this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.01/2020 registered at Police Station Excise Circle, Shivrinarayan, District

Janjgir Champa, C.G. for the offence punishable under Section 34(2) and 59(A) of the Chhattisgarh Excise Act.

7. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of hand made (Mahua) liquor of 12 bulk litre.
8. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicate in the offence. He is in jail since 04.04.2020. 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.
9. 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.
10. Considering the nature of offence, total quantity of liquor alleged to have been seized from possession of applicant, the fact that applicant is in custody from 04.04.2020 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.
11. 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.

12. Applications for special hearing through video conferencing and undertaking to pay court fees stand disposed off.
13. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Pawan