

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2520 of 2020

- Veer Singh Jagat S/o Shri Lahursingh Aged About 36 Years Village Pidi, Thana Sirgitti, (True Village Podi), District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

Versus

- State Of Chhattisgarh Through Police Station Sirgitti (Correct Police Station 'Chakarbhatha'), District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	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.88/2020 registered at Police Station Chakarbhata (wrongly mentioned as 'Sirgitti in impugned order), 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 hand-made liquor of 10 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 9.4.2020. 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 nature of offence, total quantity of liquor alleged to have been seized from possession of applicant, the fact that applicant is in custody from 9.4.2020 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.
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/-