NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7293 of 2020

- Anup Surjaal, S/o Puranchand, aged about 19 years, R/o village-Belmundi, Chowki, Baloda, Thana – Saraipali, Distt Mahasamund (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh Through Chowki-Baloda, Police Station- Saraipali, Distt Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Respondent/State	:	Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

10.12.2020

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.353 of 2020 registered at Police Station Saraipali, District Mahasamund CG for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.

2. Case of the prosecution in brief is that on 29.09.2020 on the basis of secret information Police searched the applicant and found 20 bulk litres of country liquor in a plastic container, on the basis of which he was arrested.

3. Shri Sanjay Agrawal, learned counsel for the applicant submits that the alleged liquor was not seized from the exclusive possession of applicant and he has been falsely implicated . The applicant is a boy of tender age and there is no other criminal antecedents against him. He is jail since 29.09.2020.

4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits

that the applicant has been found transporting the illicit liquor on Motorcycle, hence he is not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegation and offence, the applicant is a boy of 19 years aged, and being the first offender and further considering period of pre-trial detention, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail upon furnishing a bail 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 on the condition that:

a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

b) Applicant shall not in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma