

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 557 of 2021

1. Milap Chouhan, S/o Mahettar Aged About 30 Years R/o Village Lukapara, Police Station- Saraipali, District Mahasamund Chhattisgarh
 2. Heeralal Bagh S/o Jhanglu Aged About 37 Years
 3. Kusho Patro S/o Vijay Patro Aged About 30 Years
 4. Sudesh Banchhor S/o Tejram Banchhor Aged About 21 Years
- No.2 to 4 are R/o Village Parsada, Police Station Saraipali Tahsil Saraipali District Mahasamund Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Raghavendra Pradhan, Advocate
For Respondent/State	: Shri Sidharth Dubey, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

02.03.2021

1. Applicants have preferred this application under Section 439 CrPC for grant of regular bail as they have been arrested in connection with Crime No.05 of 2021 registered at Police Station Saraipali, District- Mahasamund (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on information received from an informant, Police of Saraipali Police Station, have intercepted the Santro Car near Kutela Square Saraipali and seized 120 bulkliters Mahua liquor from the possession of applicants and arrested them.
3. Shri Raghavendra Pradhan, learned counsel for the applicants submits that the applicants have been implicated on false and fabricated grounds that they were transporting illicit liquor measuring 120 bulk liters in a Santro Car.

He submits that applicants are in jail since 06.02.2021 and as they have no criminal antecedents against them, they may be enlarged on bail.

4. Shri Sidharth Dubey, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicants submits that all the four applicants were found transporting illicit liquor and the same is witnessed by two persons, namely, Kamlesh Sinha and Manoj Yadav. Illicit liquor has been seized from the Car in which present applicants were travelling. He submits that the applicants are not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration the fact that illicit liquor has been seized as per seizure memo from Car; considering the period of pre-trial detention and further that as per material available in the case diary, there is no other criminal antecedents against applicants, without commenting on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) each with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

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

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

c) If the applicants are 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