

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No. 3311 of 2021

Vikky @ Narendra Jaiswal S/o Late Sitaram Jaiswal Aged About 58 Years R/o Village- Pipariya, Police Station- Pasan, District- Korba, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station-Bango, District- Korba, Chhattisgarh.

--- Non-applicant

For Applicant	:	Mr. Vinod Tekam, Advocate.
For Non-applicant/State	:	Mr. Ashish Tiwari, GA.

(Proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, J

Order on Board

31/05/2021

Heard.

1. Learned counsel for the applicant submits that as per his instructions, on the date of filing of application ie on 11.05.2021, bail application of co-accused person was not registered. He further submits that other co-accused namely Vijendra Sahu has filed bail application on the same date. Hence, the defects as pointed out by the Registry may be over ruled.
2. The filing receipt of MCRC No.5101 of 2021 of Vijendra Sahu is attached with the file, which shows that bail application has been filed on 11.05.2021 at 12.:47 pm ie on same date.
3. Taking into consideration the nature of the objection raised by the Registry, the objection made by Registry is over ruled.
4. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.65/2021, registered at Police Station -Bango, Distt -Korba, (C.G), for the offence under Section 34 (2) of CG Excise Act.
5. Case of the prosecution is that on 27.03.2021 at about 8.00 pm, the Police received secret information that the applicant is illegally selling liquor in front of temple in village -Chotiya. On the basis of said information, the police raided and seized 6.120 bulk litre of foreign liquor and 8 bulk litre of handmade liquor

(mahua) from the possession of applicant.

6. Learned counsel for the applicant submits that present applicant has been falsely implicated in the crime, no illicit liquor as alleged has been seized from his possession. Seizure of illicit liquor is shown to be from an open place. There is no criminal antecedent of applicant and he is in jail since 27.03.2021.
7. Learned State Counsel opposes the submission made by learned counsel for the applicant. On putting specific query, learned State Counsel submits that there is no mention of any criminal antecedent of applicant in case diary.
8. Heard learned counsel for the parties.
9. Considering the entire facts and circumstances of the case, nature of allegation, quantity of illicit liquor alleged to be seized from the possession of applicant ie 6.120 bulk litre of foreign liquor and 8 bulk litre of handmade liquor (mahua) and the fact that applicant is not having any criminal antecedent as per case diary, applicant is in jail since 27.03.2021, without commenting anything on merits of the case, I am inclined to allow bail application.
10. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) he shall appear as and when directed by the investigating agency during the course of investigation.
 - b) he shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
 Vacation Judge