

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3136 of 2021**

1. Ravikumar Yadav S/o Govindram, age 22 years, R/o Sirsa, Bazar Chowk Jevra, Durg (Chhattisgarh)
2. Sonu Sahu S/o Derharam Sahu, age 26 years, R/o Ganjpara, Durg, District Durg (Chhattisgarh)
3. Bhargav Sarve S/o Dagar Sarve, age 23 years, R/o Jevra, Sirsa, Durg (Chhattisgarh)

---- Applicants**Versus**

State of Chhattisgarh Through The Station House Officer, P.S. Singhoda, District Durg (Chhattisgarh)

---- Non-applicant

For Applicants : Shri Tarendra Kumar Jha, Advocate
For Non-applicant/State: Shri Siddharth Dubey, Dy. Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Parth Prateem Sahu, Judge
Order on Board

21.05.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 03.05.2021 in connection with Crime No.36 of 2021 registered at Police Station Singhoda, District Mahasamund (CG) for commission of the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that on 03.05.2021, present applicants were travelling on SARTAJ-GS goods vehicle bearing No.CG07/BY/2411. The vehicle was intercepted by the police near Riyaz Dhaba on NH-53. On being search, the police found 40 bulk liters of country made liquor of brand manufactured at Odisha. On the basis of seizure made by the police, applicants have been arrested for the offence punishable under the provisions of Section 34(2) of the Chhattisgarh Excise Act.
3. Learned counsel for the applicants submits that the applicants are not having any criminal antecedent of similar nature. The offence alleged against the applicants is only under the Excise Act and the applicants are in jail since 03.05.2021, hence prayed that applicants may be enlarged on regular bail.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that during the course of checking of vehicle on NH-53, police has recovered 40 bulk liters of country made liquor of the brand prepared in Odisha. The applicants have been found in conscious possession of liquor, hence, they are not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the overall facts and circumstances of case, nature of allegation levelled against the applicants and further 40 bulk liters country made liquor has been said to

be recovered from the possession of present applicants, the applicants are in custody from 03.05.2021, without commenting on merits of the case, I am inclined to release the applicants on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Twenty Five Thousand Rupees Only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They 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.

8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Vacation Judge