

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3282 of 2021**

1. Shanu Bajaj, S/o Late Raj Kumar Bajaj, aged about 30 years.
2. Jitendra Dewangan @ Pappu, S/o Rakesh Dewangan, aged about 21 years.
3. Rupesh Sahu, S/o Keshlal Sahu, aged about 22 years.
All R/o Sapna Pink City, Rampur Ward No.22, Dhamtari, District Dhamtari (CG)

---- Applicants (In Jail)**Versus**

- The State of Chhattisgarh Through Police Station Narharpur, District Uttar Bastar Kanker (CG)

---- Non-applicant

For Applicants	:	Mr. Parag Kotecha, Advocate
For Non-applicant	:	Mr. DP Singh, Dy. Advocate General.

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****21.5.2021**

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 7.5.2021 in connection with Crime No.58/2021 registered at Police Station Narharpur, District Uttar Bastar Kanker for commission of the offence punishable under Section 34 (2) of the CG Excise Act.
2. Case of the prosecution, in brief, is that on receipt of secret information that the applicants are selling hand-made liquor (mahua) in village Surahi, the police raided and found the applicants' selling liquor illegally. The police seized 18 bulk litre of illicit hand-made liquor (mahua) from the possession of applicants.
3. Mr. Parag Kotecha, learned counsel for applicants submits that

applicants have not committed the offence as alleged against them and they are in custody since 07.5.2021. He further submits that recovery of liquor kept in four jerry-cane is made from an open place from three persons i.e. applicants. Seizure of liquor is not from the conscious possession of the applicants. Applicants have been involved in a false case. He further submits that applicants are ready and willing to abide all the conditions which may be imposed by this Court while granting bail to them. Hence, applicants may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against the applicant, period of detention i.e. from 7.5.2021, and circumstances, without commenting anything 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/- each with one local 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 kind of offence in future, it will be open for the State to apply for cancellation of their bail.
8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Vacation Judge

roshan/-