

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3400 of 2021**

1. Mahendra Patel S/o Late Shri Kuleshwar Patel Aged About 25 Years R/o Village Sakri , Police Station Vidhan Sabha, District Raipur Chhattisgarh.
2. Pankaj Patel S/o Late Shri Kuleshwar Patel Aged About 22 Years R/o Village Sakri, Police Station Vidhan Sabha, District Raipur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Vidhan Sabha, District Raipur Chhattisgarh.

---- Non-applicant

For Applicants : Shri Devershi Thakur, Advocate
For Non-applicant/State: Shri K.K. Singh, 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 14.05.2021 in connection with Crime No.151 of 2021 registered at Police Station Vidhan Sabha, District Raipur (CG) for commission of the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 14.05.2021, police has received a secret information that present applicants are

in possession of mahua liquor. On the basis of said information, police intercepted the present applicants and found 5.6 bulk liter of mahua liquor from the possession of applicant No.1 and 6 bulk liter of mahua liquor from the possession of applicant No.2, on the basis of which, they were arrested in the crime bearing No.151 of 2021 for offence punishable under Section 34(2) of the Excise Act.

3. Learned counsel for the applicants submits that applicants have been falsely implicated, liquor has not been recovered from conscious and exclusive possession of applicants. He further submits that marriage of applicant No.1 is to be held on 24.05.2021, which is evident from Annexure A/3.
4. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that during the course of search, police has recovered 5.6 bulk liter of mahua liquor from the possession of applicant No.1 and 6 bulk liter of mahua liquor from the possession of applicant No.2. However, he submits that looking to the grounds raised in the application, he has inquired of the fact of marriage of applicant No.1 and submits that he has been informed by the police that the marriage of applicant No.1 is to be held on 24.05.2021.
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,

quantity of liquor seized from the possession of present applicants, 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.20,000/- (Twenty 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 today.

**Sd/-
(Parth Prateem Sahu)
Vacation Judge**