

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6092 of 2021

Jageshwar Alias Jaggu Sahu S/o Shiv Sahu Aged About 25 Years R/o Village- Anda, Post And Police Station- Anda, Tehsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The O.P. Surgi, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.S. Baghel, Advocate.
For Non-applicant	:	Ms. M. Asha, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

28/10/2021

1. Applicant has filed this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No. 52/2021 registered at Police Outpost- Surgi, Police Station- Basantpur, District- Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution is that on 26.1.2021, on the basis of secret information, police intercepted Bolero Pick-up (sold) vehicle and during search, recovered 225 bulk litres of illicit foreign liquor. During course of investigation, co-accused Md. Imtiaz in his memorandum statement has stated that the seized liquor is of one

Kali @ Jitendra Pandit. Based on the memorandum statement, farm house of Kali @ Jitendra Pandit was searched, in farm house, along with illicit liquor, Dilbag Singh was found present. Based on memorandum statement, from the farm house, 1755 bulk litres of illicit foreign liquor was seized from possession of co-accused- Dilbag Singh. Present applicant ran away from spot. Based on the seizure of illicit liquor from the vehicle as well as from farm house, the instant crime is registered against the applicant along with other co-accused persons.

3. Shri S.S. Baghel, learned counsel for the applicant submits that the applicant has been falsely implicated in this crime. He is only an employee of Kali @ Jitendra Pandit and not present at the spot but only on the basis of memorandum statement, he has been implicated in the case. The applicant is in jail since 23.6.2021. Hence he may be enlarged on regular bail. He also submits that the other co-accused Moen @ Moend Banjare and Mohammad Imtiyaj have been enlarged on regular bail vide order dated 26.2.2021 passed in MCRC No.1377 of 2021 and order dated 22.3.2021 passed in MCRC No.2127 of 2021 respectively.
4. Learned counsel for the State, opposing the submissions made by learned counsel for the applicant, would submit that looking to quantity of illicit liquor seized, applicant is not entitled to benefit of grant of bail. She further submits that applicant is having criminal antecedents against him, the crime of similar nature was registered in the year 2019. Hence he is not entitled to grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegation, the fact that the applicant was not found present at the spot, the other two accused persons have been released on bail vide orders passed in aforementioned cases, he is in jail since 23.6.2021, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant 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)
Judge