

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6171 of 2021**

- Shivcharan Sahu, S/o Lt. Nanku Sahu, aged about 48 years, R/o village Kurmapali, Raigarh, P.S. Kotara Road, Raigarh, Tahsil and District Raigarh (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh, through the Station House Officer, Excise Circle Raigarh, District-Raigarh (CG).

....Non-applicant

For Applicant :	Mr. Manoj K Jaiswal, Advocate.
For Non-applicant :	Mr. Kapil Maini, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****28.10.2021**

1. This is first application under Section 439 of CrPC for grant of regular bail to applicant who is in custody since 5.8.2021 in connection with Crime No.38/21 registered at Excise Circle, Raigarh, District Raigarh (CG) for commission of offence under Sections 34 (1) (A) (F), 34 (2) & 59(A) of the Excise Act.
2. Case of prosecution, in brief, is that on 5.8.2021 the Excise Officer, Raigarh received secret information that applicant is in possession of illicit liquor in his house. Based on secret information, house of applicant was searched and 5.95 liter of foreign liquor was seized from his possession. On the basis of seizure of illicit liquor, crime in question is registered and applicant is arrested.
3. Mr. Manoj K Jaiswal, learned counsel for applicant submits that applicant has been falsely implicated in crime in question. Applicant is in jail since 5.8.2021. Quantity of alleged liquor

said to have been seized from possession of applicant is only 5.95 bulk liter. Hence, he may be released on regular bail.

4. On the other hand, Mr. Kapil Maini, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that as many as 18 criminal antecedents of applicant have been reported in case diary, out of which three cases pertain to Excise Act. On putting specific query with regard to last criminal antecedent of applicant, he submits that it is of 2016. He submits that looking to criminal antecedents reported against applicant, he is not entitled for grant of regular bail.
5. At this stage, Mr. Manoj Jaiswal, learned counsel for applicant would submit that as per report, out of three criminal cases of similar nature, two were registered in the year 2010 and one in 2016, but in all these cases applicant has been acquitted.
6. I have heard learned counsel for parties.
7. Taking into consideration nature of allegations, submissions made by learned counsel for applicant; quantity of liquor allegedly seized from possession of applicant and period of detention, without commenting anything on merits of case, I am inclined to release applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;

- he shall appear before trial Court concerned regularly on each & every date unless exempted from appearance.
- he shall not, in any manner, tamper with the prosecution witnesses.
- if applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/