

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 7219 of 2021

Suresh Namdev **Versus** State of Chhattisgarh

07.10.2021	Mr. Yogendra Chaturvedi, Advocate for applicant. Mr. Anand Verma, Dy. Government Advocate for the State. Heard. Admit. Learned State counsel submits that the case diary is available today. With the consent of parties, matter is heard finally. Order dictated and signed separately. Sd/- (Parth Prateem Sahu) Judge
Pawan	

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7219 of 2021

- Suresh Namdev S/o Late Shri Bhagilal Namdev aged about 60 Years R/o Tikarkala, P.S. Gourela, District- Gourela-Pendra-Marwahi (C.G.), District : Gaurela-Pendra-Marwahi, Chhattisgarh.

-----Applicant

VERSUS

- State of Chhattisgarh through: Station House Officer, Excise Circle Gourela, District- Gourela-Pendra-Marwahi (C.G.), District : Gaurela-Pendra-Marwahi, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Yogendra Chaturvedi, Advocate
For Non-applicant/State	: Mr. Anand Verma, Dy. Govt.Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

07/10/2021

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 338/2021 registered at Police Station Gourela, District Gourela-Pendra-Marwahi (C.G.) for the offence punishable under Section 34(2), 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 31.08.2021, based on secret information received by the police that applicant is indulge in selling illicit liquor from his house, police raided the house of applicant, he was found in possession of 6 litre hand made liquor. Based on the seizure of liquor from his possession, aforementioned crime is registered against him and he was arrested.
3. Mr. Yogendra Chaturvedi, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. He further submits that applicant is having no other criminal antecedents of similar nature against him. He is in jail since 31.08.2021, hence, he may be enlarged on bail.
4. Mr. Anand Verma, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that six litre of hand made liquor was recovered from the possession

of applicant, he is not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents of similar nature against applicant, upon going through case diary, he submits that there is no mention of any criminal antecedents of similar nature against applicant in the case diary except for offence under Gambling Act.

5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, quantity of liquor seized from the possession of applicant, period of detention, and further that applicant is having no criminal antecedents against him of similar nature, 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 surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He 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