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HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 7811 of 2021**

1. Rajuram Dhavde S/o Suklal Dhavde aged about 40 Years R/o Village Sivni, Thana Khadgaon, District Rajnandgaon Chhattisgarh.
2. Mansharam Dhavde S/o Late Chamar Singh Dhavde Aged About 25 Years R/o Village Sivni, Thana Khadgaon, District Rajnandgaon Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: Police Station Bhanupratappur, District UB Kanker, Chhattisgarh

-----Non-applicant

For Applicants	: Ms. Bhavika Kotecha, Advocate
For Non-applicant/State	: Mr. K.K. Singh, G.A.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****05/10/2021**

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 180/2021 registered at Police Station Bhanupratappur, District U.B. Kanker (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 10.08.2021, based on the secret information, police intercepted motor cycle vehicle and during search 30 bulk litre of hand made liquor was seized from the possession of applicants. Based on it, aforementioned crime was registered against applicants and they were arrested.
3. Ms. Bhavika Kotecha, learned counsel for the applicants submits that the applicants have been falsely implicated in the crime. Applicants when travelling on the motor cycle from that road, police intercepted them, implicated them in the crime. She submits that applicants are having no other criminal antecedents against them. She further submits that the applicants were arrested by the police on

10.08.2021. When they were sent to jail, based on the order of high power committee, they were released on parole, hence, they may be enlarged on bail.

4. Mr. K.K. Singh, learned State counsel, while opposing the submissions made by the learned counsel for the applicants, submits that looking to the quantity of liquor seized from the possession of applicants which they were carrying, they are 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 against applicants in the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, submission of learned counsel for the State that in the case diary there is no mention of any other criminal antecedent of applicants, 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 applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are 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

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 7811 of 2021Rajuram Dhavde and another **Versus** State of Chhattisgarh

05.10.2021	Ms. Bhavika Kotecha, Advocate for applicants. Mr. K.K. Singh, 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	