

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7799 of 2021**

- Trilochan Dewangan, aged about 32 years, S/o Sh. Chhabiram Dewangan, at village Korasi, P/S Kharora, District Raipur (CG)

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

- State of Chhattisgarh through P.S. Kharora, Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. Vinay Nagdev, Advocate
For Non-applicant	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****6.10.2021**

1. Heard on admission.
2. Admitted for consideration.
3. Learned State Counsel submits that case diary is available today.
4. With the consent of parties, the matter is being heard finally.
5. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody from 21.9.2021 in connection with Crime No.406/2021 registered at Police Station Kharora, Raipur for commission of offence punishable under Section 34 (2) of the CG Excise Act.
6. Case of the prosecution, in brief, is that based on receipt of secret information, the police raided agriculture field of applicant and recovered 16 bulk liter of country liquor. Based on seizure of illicit liquor, aforementioned crime is registered against applicant.
7. Mr. Vinay Nagdev, learned counsel for applicant submits that applicant has not committed offence as alleged against him and he has been falsely implicated in crime in question. Liquor has been seized from an open place i.e. agriculture field, hence it cannot be said that liquor was

seized from conscious possession of applicant. Applicant is in custody from 21.9.2021 and he is not having any recent criminal antecedent of like nature. Applicant is ready and willing to abide all conditions which may be imposed by this Court while granting bail to him. Hence, applicant may be granted regular bail.

8. On the other hand, learned State Counsel opposes the prayer for grant of bail. He submits that at the time of raid, applicant was present in his agriculture field along with illicit liquor, hence he is not entitled for grant of regular bail.

9. I have heard learned counsel for the parties.

10. Taking into consideration nature of allegation levelled against applicant; period of detention i.e. from 21.9.2021 and the fact that applicant is not having any recent criminal antecedent of like nature, without commenting anything on merits of case, I am inclined to release applicant on regular bail.

11. 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 local surety in the like sum to the satisfaction of the Court below concerned on the conditions that;

a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) he shall not, in any manner, tamper with prosecution witnesses.

c) If applicant is found involved in similar kind of offence in future, it will be open for the State to apply for cancellation of his bail.

12. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-