

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MCRC No. 7904 of 2021

Ajay Masih **Versus** State of Chhattisgarh

07.10.2021	Mr. Ravindra Sharma, Advocate for applicant. 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	

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7904 of 2021

- Ajay Masih S/o Shri Vijay Masih aged about 27 Years R/o Ganeshpur, P.S. Simga, District Baloda Bazar Bhatapara Chhattisgarh.

-----Applicant

VERSUS

- State of Chhattisgarh through: SHO, Police Station Simga, District Baloda Bazar, Bhatapara, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Ravindra Sharma, Advocate
For Non-applicant/State	: Mr. K.K. Singh, 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. 426/2021 registered at Police Station Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 17.09.2021, based on the secret information, police raided the house of applicant and found applicant in possession of 30 bulk litre of hand made liquor. Based on it, aforementioned crime is registered against applicant and he was arrested.
3. Mr. Ravindra Sharma, 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 the date of arrest, the offence is triable by the Magistrate, conclusion of trial may take some time, hence, he may be enlarged on bail.
4. Mr. K.K. Singh, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that looking the quantity of liquor seized 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 against applicant in the case diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, period of detention, applicant being the first offender and having no criminal antecedents against him, 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