

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7878 of 2021**

- Bhavesh Jha, S/o Prakash Chandra Jha, aged about 21 years, R/o Near Geeta Dairy, Ashok Nagar, Police Station Gudhiyari, Raipur, District Raipur (CG)

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

- State of Chhattisgarh through Station House Officer, Police Station Excise Circle- New Raipur, District Raipur (CG)

---- Non-applicant

For Applicants	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Anand Verma, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****5.10.2021**

1. 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 3.9.2021 in connection with Crime No.1/2021 registered at Police Station - Excise Circle, New Raipur, District Raipur for commission of the offence punishable under Sections 34 (2), 59(A) & 36 of the CG Excise Act.
2. Case of the prosecution, in brief, is that on 17.6.2021, on receipt of secret information, police tried to intercept scooter driven by applicant. On seeing the police, applicant fled from spot leaving behind scooter. Upon searching scooter, 29.09 bulk liter of foreign liquor was seized. Based on seizure of illicit foreign liquor, aforementioned crime is registered against applicant.
3. Mr. Shivendu Pandya, 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. Applicant is of tender age having no criminal antecedent against him. Applicant is in custody from

3.9.2021. He further submits that applicant is ready and willing to abide all the conditions which may be imposed by this Court while granting bail to him. Hence, applicant may be granted regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail. He further submits that looking to quantity of liquor seized, applicant is not entitled for grant of regular bail. However, going through case diary, he submits that applicant has no criminal antecedent.

5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations levelled against applicant; the fact that applicant is of tender age having no criminal antecedent; period of detention i.e. from 3.9.2021, without commenting anything on merits of case, I am inclined to release applicant on regular bail.

7. 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.

8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-