

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7889 of 2021

1. Gulab Chouhan, S/o Premlal Chouhan, Aged About 19 Years, Caste - Gada. R/o Village Chhindpali, Police Station Saraipali, District- Mahasamund, Chhattisgarh.
2. Vijay Bagh, S/o Arakshit Bagh, Aged About 19 Years, Caste - Gada. R/o Village Boirmal, Police Station Singhoda, District- Mahasamund, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Saraipali, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicants : Shri Shivendu Pandya, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Parth Prateem Sahu

Order on Board

06.10.2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) Learned State counsel submits case diary is available with him.
- 4) With the consent of the parties, the matter is heard finally.
- 5) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 28.09.2021 in connection with Crime No. 386/2021 registered at Police Station- Saraipali, District- Mahasamund (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
- 6) Case of the prosecution, in brief, is that on 27.09.2021 based on the secret information police party intercepted one motorcycle

and during search, the police party seized 15 bulk litre hand made liquor from the joint possession of the applicants. Based on the seizure of illicit liquor which was transported by the applicants, aforementioned crime has been registered against them.

- 7) Shri Shivendu Pandya, learned counsel for applicants submits that the applicants have been falsely implicated in the crime in question. The applicants are of tender age, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants are in jail since their arrest, trial is likely to take some time for its final disposal, therefore, they may be enlarged on bail.
- 8) Shri Adil Minhaj, 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, they are not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents of similar nature against the applicants, upon going through case diary, he submits that there is no mention of any criminal antecedents against the applicant in the case diary.
- 9) I have heard learned counsel for the parties.
- 10) Taking into consideration, the nature of allegation made against the present applicants, their tender age, there is no criminal antecedents against them, conclusion of trial may take some time, without commenting anything on merits of the case, I am inclined to allowed the bail application.
- 11) 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/- with surety in the like sum to the satisfaction of the Court on the following conditions that-
 - (a) They shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

(b) They shall not, act in any manner, tamper with the prosecution witnesses.

(c) If the applicants 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

Nadim