

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7893 of 2021**

- Rajeev Kumar Sahu, S/o Bhagwat Prasad Sahu, Aged About 25 Years, R/o Village - Malda, P.S. Kasdol, District - Balodabazar-Bhatapara, Chhattisgarh. **---- Applicant**

**Versus**

- State of Chhattisgarh, Through - Station House Officer, P.S. Excise Circle Kasdol, District- Balodabazar-Bhatapara, Chhattisgarh. **---- Non-Applicant**

---

For Applicant : Shri Ramsajiwan, 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 applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 28.09.2021 in connection with Crime No. 36/2021 registered at Police Station- Excise Circle Kasdol, District- Balodabazar-Bhatapara (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 28.09.2021, based on the secret information, police went to the spot and seized 40 bulk litre hand made liquor from the possession of the applicant. Based on it, aforementioned crime has been registered against the applicant and he was arrested.
- 7) Shri Ramsajiwan, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. There is

no criminal antecedents against him, he is in jail since 28.09.2021 and trial is likely to take some time for disposal, hence, he may be enlarged on bail.

- 8) Shri Adil Minhaj, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that liquor has been seized from the possession of the applicant of much quantity, 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 criminal antecedents against the applicant in the case diary.
- 9) I have heard learned counsel for the parties.
- 10) Taking into consideration, nature of allegation, applicant being the first offender, having no criminal antecedents against him, without commenting anything on merits of the case, I am inclined to allow the bail application.
- 11) 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 following 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**