

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MCRC No. 7960 of 2021

Jaideep **Versus** State of Chhattisgarh

08.10.2021	Mr. Parmeshwar Sahu, 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. 7960 of 2021

- Jaideep S/o Sh. Loknath Bandhe aged about 20 Years at Village-Korasi, Police Station Kharora, District- Raipur, Chhattisgarh.

-----Applicant

VERSUS

- State of Chhattisgarh through: Police Station Kharora, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Parmeshwar Sahu, Advocate
For Non-applicant/State	: Mr. K.K. Singh, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

08/10/2021

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. 406/2021 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 21.09.2021, based on the secret information received by the police that the applicant along with another is in possession of illicit liquor, police reached the spot, seized 8.1 bulk litre of country liquor from the joint possession of applicant and another. Based on the seizure of liquor from his possession, aforementioned crime is registered against applicant and Trilochan Dewangan.
3. Mr. Parmeshwar Sahu, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. Alleged seizure of illicit liquor is from an open place i.e. agricultural field on side of the road. He further submits that applicant is having no other criminal antecedents of similar nature against him. He is in jail since 21.09.2021, 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 illicit liquor has been recovered from the joint possession of applicant and another in presence of witness, hence, 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 some criminal antecedent against applicant but the offence or the crime number is not mentioned in the case diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, quantity of liquor seized from the possession of applicant, offence is triable by the Magistrate, conclusion of trial may take some time, 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