

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7899 of 2021

- Ashok Kumar Dhruw, S/o Chhedi Lal Dhruw Aged About 36 Years, Saihabhata Chowki Baya, P.S. Rajadevri, District-Balodabazar-Bhathapara, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Police Station Rajadevri, Chowki Baya, District- Balodabazar-Bhathapara, Chhattisgarh.

---- Non-Applicant

For Applicant : Mr. Sumit Jhawar, Advocate
For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice 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 her.
- 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 27.08.2021 in connection with Crime No.70/2021 registered at Police Station- Rajadevri, 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 27.08.2021, police received secret information from the informant to the effect that applicant is illegally selling hand made liquor at village Mohda near bridge of Mohda School, thereafter, the police party reached

to the spot and seized 35 bulk litre hand made liquor from the possession of applicant. Based on it, aforementioned crime has been registered against the applicant and he was arrested.

- 7) Mr. Sumit Jhawar, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. There is no criminal antecedents against him, the aforesaid liquor has been seized from an open place near bridge of Mohda School, he is in jail since 27.08.2021 and trial is likely to take some time its conclusion, hence, he may be enlarged on bail.
- 8) Dr. (Ms.) Veena Nair, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that 35 bulk litre hand made liquor has been seized from the possession of the applicant, 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 the case diary, she 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, period of detention, quantity of illicit liquor seized from the applicant, applicant being the first offender and 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

Nadim