

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8057 of 2021

Shekh Varis, S/o Late Shri Shekh Aadim, Aged About 20 Years R/o Santoshinagar, Behind Government School, Police Station - Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. A.D. Kuldeep, Advocate

For Non-applicant : Ms. Shubha Shrivastava, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

16/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.137/2021 registered at Police Station- Tikrapara- District- Raipur (C.G.) for the offence punishable under Sections 34 (2) of the C.G. Excise Act.
2. Case of prosecution is that police after receiving secret information on 20.5.2021 that the applicant is engaged in selling illicit liquor behind Govt. School, reached on spot and found applicant along with one carton with foreign liquor measuring 7.2 bulk litres. Based on seizure of illicit liquor, applicant was arrested on 20.5.2021.

3. Learned counsel for the applicant would submit that the alleged seizure is from open place as mentioned in the charge sheet i.e. behind Govt. School and not from exclusive possession of applicant. Applicant went there to answer the nature's call and he was arrested. He submits that offence is triable by Magistrate, hence, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that there are as many as nine criminal antecedents mentioned against the applicant in case diary out of which two are under the Excise Act of year 2019 and 2020.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, place of seizure, quantity of liquor, period of pre-trial detention, offence to be triable by Magistrate, applicant is in jail since 20.5.2021, 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 his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) 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

Praveen