

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MCRC No. 7943 of 2021

Shiv Kumar Yadav **Versus** State of Chhattisgarh

07.10.2021	Mr. Ashish Gupta, Advocate for applicant. Mr. Adil Minhaj, 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. 7943 of 2021

- Shiv Kumar Yadav S/o Late Madhusudan Yadav aged about 22 Years R/o Village Nunpani, Tahsil and Police Station Baramkela, District Raigarh Chhattisgarh.

-----Applicant

VERSUS

- State of Chhattisgarh through: SHO, Police Station Baramkela, District Raigarh, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Ashish Gupta, Advocate
For Non-applicant/State	: Mr. Adil Minhaj, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

07/10/2021

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. 290/2021 registered at Police Station Baramkela, District Raigarh (C.G.) for the offence punishable under Section 34(2), 59(A) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 29.09.2021, police, during patrolling duty received secret information that applicant is in possession of illicit liquor in his house. When police made search of the house of applicant and *baadi* (kitchen garden), recovered 30 bulk litre of country made liquor from his possession. Based on the seizure of illicit liquor from his possession, aforementioned crime is registered against him and he was arrested.
3. Mr. Ashish Gupta, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime as the place from where the illicit liquor was seized is an accessible place to any person because it is surrounded by low boundary. He further submits that applicant is having no other criminal antecedents of similar nature against him. He is in jail since the date of arrest, hence, he may be enlarged on bail.

4. Mr. Adil Minhaj, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that looking to the quantity of liquor recovered from the possession of applicant, 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 any criminal antecedents against applicant 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, the place from where the liquor was seized, and further that applicant is having no criminal antecedents against him, 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