

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

MCRC No. 7993 of 2021

Anil Kumar Bariha **Versus** State of Chhattisgarh

08.10.2021	Ms. Ankita Shriwas, Advocate for applicant. Dr. Veena Nair, Dy. Advocate General 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. 7993 of 2021

- Anil Kumar Bariha S/o Manglu Bariha aged about 34 Years R/o Village Kharpakhol, Outpost Belodula, Police Station Sarsinwa, District Baloda Bazar, Chhattisgarh.
- Umesh Yadav S/o Sundarlal Yadav aged about 23 Years R/o Village Madgaon, Outpost Bhawarpur, Police Station and Tahsil Basana, District Mahasamund, Chhattisgarh

-----Applicants

VERSUS

- State of Chhattisgarh through: Outpost Bhawarpur, Police Station Basna, District Mahasamund, Chhattisgarh

-----Non-applicant

For Applicant	: Ms. Ankita Shriwas, Advocate
For Non-applicant/State	: Dr. Veena Nair, Dy. Adv. Gen.

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. 470/2021 registered at Police Station Outpost Bhawarpur, Police Station Basna District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 10.09.2021, police seized 45 bulk litre of hand made liquor from the joint possession of applicants on Daldali-Rankot road. Based on the seizure of illicit liquor from possession of applicants, aforementioned crime is registered against them and they were arrested.
3. Ms. Ankita Shriwas, learned counsel for the applicant submits that the applicant has been falsely implicated in the crime when they were travelling on the road. She further submits that applicants are having no other criminal antecedents of similar nature against them. They are in jail since the date of arrest, hence, they may be enlarged on bail.

4. Dr. Veena Nair, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that the illicit liquor has been recovered from the joint possession of applicants in presence of witnesses and looking the quantity of liquor they are not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents of similar nature against applicants, upon going through case diary, she submits that there is no mention of any criminal antecedents against applicants in the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, the fact that the applicants are not having any criminal antecedents against him of similar nature and they are in jail since 10.09.2021, 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 applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are 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