

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8379 of 2021

Virendra Rajwade S/o Lakhan Ram Rajwade Aged About 40 Years R/o Village Khonpa, Chowki Karanji, Police Station Bishrampur, Tahsil Bhaiyathan District Surajpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Excise Circle Surajpur District Surajpur Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashok Kumar Shukla, Advocate
For Non-applicant	:	Shri B.L. Sahu, Panel Lawyer

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

Order On Board

15/12/2021

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.14/2021 registered at Excise Circle- Surajpur, District- Surajpur (C.G.) for the offence punishable under Sections 34 (2), 36, 59-A of the C.G. Excise Act.
2. Case of prosecution is that official of the Excise Department received secret information that applicant is engaged in sale of illicit liquor and is in illegal possession of liquor. Based on secret information, officials of the Excise Department reached to the shop cum house of the applicant and during course of search, seized

91.8 bulk literes of foreign liquor and applicant was arrested on 17.9.2021.

3. Shri Ashok Kumar Shukla, learned counsel for the applicant would submit that applicant is not recorded owner of house or shop, he is not running the shop. Hence, it cannot be said that applicant was in conscious and exclusive possession of illicit liquor. He also submits that there are other inmates also residing in the house. It is further pointed out that there is no other criminal antecedent against the applicant.
4. Shri B.L. Sahu, learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that it is the applicant who was found in possession of illicit liquor in his shop. Hence, there is prima facie involvement of applicant. However, He submits that no document is available in case diary with regard to ownership of the house or shop, no other criminal antecedent is mentioned against applicant in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, submission of learned counsel for the parties that there is no other criminal antecedents against applicant, offence to be triable by the Judicial Magistrate First Class, applicant is in jail since 17.9.2021, 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