

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8334 of 2021

1. Deepak Pandey S/o Shri Hiralal Pandey, Aged About 27 Years, R/o Village Lohadvar, Dist. Rewa (M.P.) Presently R/o Classic Beer Bar near Banjari Mandir, Ravabhanta, P. S. Khamtarai, District Raipur Chhattisgarh.
2. Manish Yadav S/o Shri Bihari Lal Yada, Aged About 26 Years, R/o Village Kankar, District Rewa (M.P.) Presently R/o Classic Beer Bar, Near Banjari Mandir, Ravabhanta P.S. Khamtarai, District Raipur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, P.S. Khamtarai, District Raipur, Chhattisgarh.

--- Respondent

For applicants	: Mr. Anway Tiwari, Advocate.
For State	: Mr. Roshan Dubey, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.640/2021, registered at Police Station -Khamtarai, Distt -Raipur, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that on 02.10.2021 Police received secret information that applicants is in illegal possession of foreign liquor. After receiving information, Police reached on spot, during course of search, seized 48.750 bulk litres of foreign liquor from open place near Classic Bar, Ravabhata, Raipur. Based on seizure of foreign liquor, aforementioned crime was registered against applicants and they were arrested.
3. Learned counsel for applicants submits that applicants have been falsely implicated in instant crime. Alleged seizure of liquor is from open place and not from exclusive possession of applicants. There is no any other criminal antecedent against applicants. Offence is triable by Magistrate and trial may take some time for its conclusion. Applicants are in jail since 02.10.2021, hence they may be released on regular bail.

4. Learned State Counsel opposes the submission of learned counsel for applicants and submits that during course of search, applicants was found in conscious possession of foreign liquor, hence, they are not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicants, he after going through case diary submits that there is no mention of any other criminal antecedent against applicants in case dairy.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, seizure of alleged liquor from open place, submissions of learned counsel for parties that no other criminal antecedent is registered against applicants, offence to be triable by Magistrate, period of pre-trial detention of applicants since 02.10.2021, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety each in like sum to satisfaction of Court on the conditions that-
 - a) applicants shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they 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

Jamal/-