

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8210 of 2021**

1. Aashish Kumar Kasar, S/o Naresh Kumar Kasar, aged about 32 years.
2. Shekhar Kumar Nishad, S/o Dileshwar Kumar Nishad, aged about 23 years,
Both R/o Pinkapar, Police Station Devri, District Balod (CG)

---- Applicants (In Jail)**Versus**

- State of Chhattisgarh, through the Police Station Mohla, District Rajnandgaon (CG)

....Non-applicant

For Applicants	:	Mr. Shaleen Singh Baghel, Advocate
For Non-applicant	:	Mr. Ankur Kashyap, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****08.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants as they are in custody since 2.10.2021 in connection with Crime No.111/2021 registered at Police Station Mohla, District Rajnandgaon (CG) for commission of offence punishable under Section 34 (2) of the Excise Act.
2. Case of prosecution, in brief, is that on 2.10.2021 police received secret information that two persons travelling on motorcycle are in possession of illicit liquor. Based on secret information, police intercepted motorcycle bearing No.CG04-DS-1125, during course of search police seized 40 bulk liters of handmade liquor from joint possession of applicants. Based on seizure of illicit liquor, applicants were arrested in aforementioned crime.
3. Mr. Shaleen Singh Baghel, learned counsel for applicants would submit that applicants have not committed any offence, they were travelling on their motorcycle on road in between village Ghowdetola to Gotatola, alleged liquor was seized from roadside and not from conscious possession of applicants. There is no other criminal antecedent against applicants.

Applicants are in jail since 2.10.2021. Offences are triable by Magistrate, hence applicant may be enlarged on regular bail.

4. Per contra, Mr. Ankur Kashyap, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants and submits that applicants were found in conscious possession of illicit liquor, hence they are not entitled for regular bail. However, on putting specific query with regard to criminal antecedents of applicants, learned counsel after going through case diary submits that there is no mention of any criminal antecedent against applicants.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations; the fact that there is no other criminal antecedents against applicants; offence is triable by Magistrate and applicants are in jail since 2.10.2021, without commenting anything on merits of case, I am inclined to enlarge applicants on regular bail. Accordingly, bail application is allowed and it is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - a) they shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
 - b) they shall not, in any manner, tamper with prosecution witnesses.
 - c) If applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-