

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8220 of 2021

1. Ramesh Kumar Mahilange S/o Shri Puniram Mahilange, Aged About 28 Years, R/o Village- Charpara, Police Station- Malkharoda, Civil and Revenue District- Janjgir-Champa (Chhattisgarh).
2. Ashok Bharti S/o Shri Pyarilal Bharti, Aged About 21 Years, R/o Village- Charpara, Police Station- Malkharoda, Civil and Revenue District -Janjgir-Champa, (Chhattisgarh).

----Applicants

Versus

State of Chhattisgarh Through The Station House Officer, Police Station- Dabhara, Civil and Revenue District- Janjgir-Champa, (C.G.).

--- Respondent

For Applicants	: Mr. Vishvanath Shriwas, Advocate.
For State	: Ms. Smriti Shrivastava, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

08/12/2021

1. This first bail application is 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.404/2021, registered at Police Station -Dabhara, District- Janjgir-Champa, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
2. Case of prosecution is that on 03.10.2021 Police received secret information that applicants are in illegal possession of liquor near Khaidimuda pond. Upon receiving information, Police reached on spot, seized 90 bulk litres of handmade mahua liquor from joint possession of applicants. Based upon seizure of liquor, aforementioned crime is registered against applicants and they were arrested.
3. Learned counsel for applicants submits that applicants have been falsely implicated in this case, they are not involved in any manner in alleged offence. Alleged seizure of liquor was not from conscious possession of applicants but from open place. There is no other criminal antecedent against applicants. Offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicants may be released on bail.

4. Learned State Counsel opposes the submission of learned counsel for applicants and submits that applicants were found alongwith 90 bulk litres of handmade mahua liquor, hence, they are not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicants, she after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicants.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, submissions of learned counsel for parties that there is no other criminal antecedent against applicants, offence to be triable by Judicial Magistrate, without commenting anything on merits of the case, I am inclined to allow this 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 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) 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/-