

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8456 of 2021

Manish Kusum S/o Mahaveer Aged About 21 Years R/o Patpariya, Ambikapur, Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Excise Ambikapur, District Surguja, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

For Applicant : Shri CJK Rao, Advocate

For Non-applicant : Shri Amit Kumar Verma, 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.117/2021 registered at Excise Circle Ambikapur, Surguja (C.G.) for the offence punishable under Sections 34 (1) (a), 34 (2), 59-A of C.G. Excise Act.
2. Case of prosecution is that based on secret information, officials of the Excise Department searched the house of applicant and seized 52 bulk litres of handmade mahua liquor from house of applicant and he was arrested on 2.10.2021.

3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. There are other members/inmates residing in the house and hence it cannot be said that applicant was in exclusive possession of illicit liquor. There is no other criminal antecedent against the applicant of similar nature. Applicant is in jail since 2.10.2021, hence, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. Upon asking, he submits that no other criminal antecedent is mentioned against applicant in case diary of similar nature but crime for commission of offence under Sections 294, 323, 506 of the year 2014 and 2020.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is in jail since 2.10.2021, there is no criminal antecedent of similar nature mentioned against applicant, 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

Praveen