

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8547 of 2021**

Jiyauddin S/o Riyajuddin Aged About 37 Years R/o Nearby Gufur Masjid, Moudahapara, Raipur, District Raipur Chhattisgarh. Mob. No. 98263-57800.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Moudahapara Raipur, District Raipur Chhattisgarh.

---- Non-applicant**MCRC No. 8643 of 2021**

1. Sultana Begum W/o Firoj Khan Aged About 45 Years,
 2. Altaf Khan S/o Firoj Khan Aged About 24 Years
- Both R/o Rajbandha Maidan, Talab Par, Moudahapara, Raipur, District- Raipur (C.G.).
Mob. No.93006-39259

---- Applicants**Versus**

State of Chhattisgarh Through- Police Station Moudahapara, Raipur, District- Raipur (C.G.).

---- Non-applicant

For Applicants : Mr. Kishore Narayan, Advocate
For Non-applicant/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****17.12.2021**

1. Since both the applications arise out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as they were arrested in connection with Crime No.144 of 2021, registered at Police Station Moudahapara,

Raipur, District Raipur (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.

3. Case of prosecution, is that, based on secret information, police reached to the house of applicants Sultana Begam and Altaf Khan, during search, seized total 138.24 bulk liters of liquor. Police while preparing seizure memo has shown seizure of 77.760 bulk liters of country liquor from possession of applicant Sultana Begum, 66.48 bulk liters from applicant Altaf Khan and 7.02 bulk liters from applicant Jiyauddin.
4. Mr. Kishore Narayan, learned counsel for the applicants would submit that applicants have been falsely implicated in crime. They have not committed any offence as alleged against them. He further submits that there is no any other criminal antecedent of applicants Altaf Khan and Jiyauddin of similar nature. Offence is triable by Magistrate. Applicants are in jail since 02.10.2021. Applicant Sultana Begum is a lady, aged about 45 years, hence, applicants may be enlarged on bail.
5. On the other hand, Ms. Smriti Shrivastava, learned P.L. for the State opposing the submissions of learned counsel for the applicants would submit that looking to seizure of huge quantity of liquor from house of applicants Sultana Begum and Altaf Khan and presence of Jiyauddin in the same house, they are not entitled for bail.
6. However, upon asking from learned counsel for the State with regard to any criminal antecedent of applicants, he submits that there is no other criminal antecedents of similar nature against applicants Altaf Khan and Jiyauddin and there are two criminal

antecedents of similar nature against applicant Sultana Begum of the year 2019.

7. I have heard learned counsel for the parties.
8. Taking into consideration facts and circumstances of the case, nature of allegations, offence to be triable by Magistrate and period of detention, I am inclined to release the applicants on regular bail.
9. Accordingly, the applications (MCRC Nos. 8547 of 2021 and 8643 of 2021) are allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :
 - a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the 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