

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8284 of 2021

- Deepak Thakur S/o Late Shankarlal Thakur, Aged About 23 Years R/o Village Sadak Banjari P.S. Bagnadi, Tahsil Dongargad And District Rajnandgaon Chhattisgarh

---- Applicant (In Jail)

Versus

- State Of Chhattisgarh Through Excise Circle Dongargaon, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Shri Aditya Bharadwaj, Advocate
For Respondent/State : Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

10.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.21 of 2021 registered at Police Station Excise Circle Dongargaon, District- Rajnandgaon, Chhattisgarh for the offence punishable under Sections 34(2), 36 and 59(A) of Excise Act.

2. Case of the prosecution, in brief, is that, based on secret information, official of Excise Department went to the house of applicant, during course of search, seized 172.800 bulk litres of country liquor, made in Maharashtra, for sale in Maharashtra only. Based on seizure of liquor, applicant was arrested on 04.10.2021.

3. Shri Aditya Bhardwaj, learned counsel for the applicant would submit that applicant is in jail since last more than two months. Offence is triable by the Magistrate and there is no other criminal antecedents

against applicant. Applicant is a boy of tender age ie 23 years only, hence he may be enlarged on bail.

4. Shri BP Banjare, learned State counsel opposing the submissions of learned counsel for the applicant, submits that looking to quantity of liquor seized from possession of applicant and that too, manufactured in Maharashtra and is saleable in that state only, applicant is not entitled for bail. However, he does not dispute to submission of learned counsel for the applicant that applicant is not having any other criminal antecedents of similar nature against him.

5. I have heard learned counsel for the parties.

6. Having regard to facts and circumstances of the case, nature of allegations against applicant, submissions of learned counsel for the applicant that applicant is not involved in any other offence of similar nature except the present one, and further looking to age of applicant to be 23 years and offence to be triable by the Magistrate, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition 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 future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma