

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8416 of 2021

Surya Prakash @ Kallu Kewat S/o Mannu Kewat, Aged About 32 Years, R/o Jhabdi, Police Station Kasdol, Balodabazar, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Kasdol, District Balodabazar Bhatapara, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Ishwar Jaiswal, Advocate with Ms. Deblina Matty, Advocate.
For State	:	Mr. Anil Tripathi, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17/12/2021

1. First bail application of applicant was dismissed as withdrawn with liberty to revive the same after two months.
2. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.164/2021, registered at Police Station- Kasdol, District Balodabazar Bhatapara, (CG), for commission of offence punishable under Section 34(2) of CG Excise Act.
3. Case of prosecution is that Police upon receiving secret information that applicant is transporting illicit liquor on his motorcycle, intercepted motorcycle of applicant, during search, seized 60 bulk litres of country liquor from him. Based on seizure of liquor, aforementioned crime was registered against applicant and he was arrested.
4. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Offence is triable by Magistrate and trial may take some time for its conclusion. Applicant is in jail since 25.05.2021, hence, he may be released on bail.
5. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that during search, 60 bulk litres of country liquor was seized from applicant, hence, he is not entitled for grant of regular bail.

However on putting specific query with regard to criminal antecedent against applicant, after going through case diary, he submits that in case diary two previous antecedents is mention against applicant of similar nature of the year 2020 & 2021.

6. At this stage, learned counsel for applicant seeks permission of the Court to withdraw this second bail application with liberty to revive the same after examination of seizure witnesses.
7. In view of submission of counsel for applicant, second bail application is dismissed as withdrawn with liberty as prayed for.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-