

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8393 of 2021

Satyanarayan Shri Yadram Rohidas Aged About 26 Years R/o Village-Shivarinarayan, Ward No.9 Police Station -Shivarinarayan, Civil And Revenue District- Janjgir Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Excise Circle Shivrinarayan , Civil And Revenue District - Jangir Champa Chhattisgarh

---- Respondent

For Applicant	:	Shri Paras Mani Shriwas, Advocate
For Non-applicant	:	Shri Sudhir Sahu, 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.94/2021 registered at Excise Circle- Shivarinarayan, District- Janjgir-Champa (C.G.) for the offence punishable under Section 34 (1) (A), 34 (2) of the C.G. Excise Act.
2. Case of prosecution is that official of the Excise Department based on secret information reached house of applicant. During search, they seized 40 bulk litres of hand made mahua liquor from house of applicant and he was arrested on 9.10.2021.
3. Learned counsel for the applicant would submit that applicant has

been falsely implicated in crime. There are other inmates residing in the house. There is no other criminal antecedent against applicant. He is in jail since 9.10.2021. Offence is triable by Magistrate which may take some time. Hence, applicant may be enlarged on regular bail.

4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that looking to the quantity of liquor seized from house of applicant, he is not entitled for grant of bail. However, upon asking with regard to criminal antecedents against applicant, he submits that there is no other criminal antecedent mentioned against the applicant in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, submission of learned counsel for the parties that there is no other criminal antecedents against applicant, offence to be triable by the Magistrate, applicant is in jail since 9.10.2021, 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