

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8410 of 2021

1. Jethuram Khunte S/o Malikram Khunte Aged About 60 Years R/o Village - Taparda, P.S. Pusour, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh
2. Sunderlaal Sarthi S/o Lt. Ujjawal Sarthi Aged About 50 Years R/o Village - Taparda, P.S. Pusour, District Raigarh (Chhattisgarh), District : Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through - Pusour, District Raigarh (Chhattisgarh),
District : Raigarh, Chhattisgarh

---- Respondent

For Applicants	:	Shri Mohit Kumar, Advocate
For Non-applicant	:	Shri Anil Tripathi, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

15/12/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.226/2021 registered at Police Station- Pusour, District- Raigarh (C.G.) for the offence punishable under Sections 34 (2), 59 (A) of the C.G. Excise Act.
2. Case of prosecution is that police received secret information on 13.10.2021 that applicants are in illegal possession of liquor. After receiving secret information, police went on spot and seized 55

bulk litres of handmade mahua liquor from agricultural field along with utensils used for manufacturing of liquor. Applicants were arrested on the same day.

3. Learned counsel for the applicants would submit that seizure of alleged liquor is from an open place i.e. agricultural field. Applicants were not found on spot but only on the basis of suspicion, applicants were arrested. He submits that there is no criminal antecedents against applicant No.1 and one antecedent of similar nature against applicant No.2 of the year 2019. Offence is triable by Magistrate, hence, applicants may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicants and would submit that applicants were arrested from the spot where they have kept illicit liquor and also utensils used for manufacturing of handmade liquor. There are two criminal antecedents against applicant No.2, one of the year 2013 under the provision of IPC and another of the year 2019 under Section 34 (1) of the Excise Act. Hence, they are not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, place of seizure of illicit liquor, offence to be triable by Magistrate which may take some time, 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 applicants shall be released on regular bail, upon each of them 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) Applicants shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are 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