

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8421 of 2021

Ashish Verma S/o Ashwani Verma, Aged About 28 Years R/o Verma Mohalla, Ganiyari, Police Station Kota, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Excise Circle Masturi, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Shri S.P. Sahu, Advocate

For Non-applicant : Ms. Smriti Shrivastava, 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.80/2021 registered at Excise Circle Masturi, District-Bilaspur (C.G.) for the offence punishable under Sections 34 (1) (a) (f), 34 (2), 59-A of C.G. Excise Act.
2. Case of prosecution is that based on secret information, official of the Excise Department reached to the house of applicant and during course of search, they seized 30 bulk litres of handmade liquor and 1000 kg of *mahua lahan* from house of applicant and he was arrested in the aforementioned crime on 25.9.2021.

3. Learned counsel for the applicant would submit that applicant has not committed the offence as alleged. Other persons were also residing in the house where applicant was residing. Hence, it cannot be said that applicant was in exclusive possession of illicit liquor. Applicant is in jail since 25.9.2021. Offence is triable by Magistrate, hence, he 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 illicit liquor has been seized from house of applicant, hence, he is not entitled for grant of bail. He further submits that there is one another criminal antecedent of similar nature against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, offence to be triable by Magistrate, applicant is in jail since 25.9.2021, 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