

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8443 of 2021

Harilal S/o Kadra Ram Yadav Aged About 60 Years R/o Village Telitola
Police Station S. Lohara, District Kabirdham Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Excise Circle-
Bodla, District Kabirdham Chhattisgarh

---- Respondent

For Applicant : Shri C.P. Lahrey, Advocate on behalf of
Shri Dharmesh Shrivastava, Advocate

For Non-applicant : Shri Vimlesh Bajpai, Govt. Advocate

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.77/2021 registered at Excise Circle Bodla, District-Kabirdham (C.G.) for the offence punishable under Sections 34 (1) (a), 34 (2) of the Excise Act.
2. Case of prosecution is that based on secret information, officials of the Excise Department searched house of applicant and seized 30 bulk litres of handmade mahua liquor from house of the applicant and applicant was arrested in the aforementioned crime.

3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged. There are other inmates residing in the house, hence, applicant cannot be said to be in exclusive possession of liquor. Applicant is aged about 60 years. There is no other criminal antecedent of similar nature against applicant. 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 looking to the quantity of liquor seized from the house of applicant, he is not entitled for grant of bail. He also submits that in case diary, there is mention of two criminal cases of preventive 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 21.10.2021, 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