

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8462 of 2021**

Kashiram S/o Gangu Gond, Aged About 25 Years, R/o Ghatmandwa, Police Station- Gidhour, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Excise Circle Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Supriya Upasane, Advocate

For Non-applicant/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****15.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 28.09.2021 in connection with Crime No.28 of 2021 registered at Police Station Excise Circle Bilaigarh, Balodabazar-Bhatapara (C.G.) for commission of offence punishable under Sections 34(1)(a), 34(2) & 59(a) of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that based on secret information, officers of Excise Department intercepted one motorcycle driven by applicant. During the course of search, seized 50 bulk liters of hand made *Mahua* liquor and applicant was arrested.
3. Ms. Supriya Upasane, learned counsel for the applicant would submit that applicant has been falsely implicated in the instant crime. There was no seizure of illicit liquor from conscious and

exclusive possession of applicant. Police has seized liquor from open place by the side of the road. There is no any other criminal antecedent against the applicant. Applicant is in jail since 28.09.2021 and offence to be triable by Magistrate, hence, applicant may be enlarged on regular bail.

4. Per contra, Mr. Amit Kumar Verma, learned P.L. for the State opposing the submissions made by learned counsel for the applicant, would submit that applicant was found in exclusive and conscious possession of illicit liquor, transporting it on his motorcycle.
5. However, upon putting specific query to learned counsel for the State with regard to any criminal antecedent against the applicant mentioned in case diary, he submits that in the case diary, there is no mention of any criminal antecedent against the applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, offence to be triable by Magistrate and submission of learned counsel for State that there is no any other criminal antecedent against applicant, without commenting on the merits of case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly

on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh