

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8517 of 2021**

Deepak Uike S/o Mansingh Uike, Aged About 21 Years R/o Village Belha, Police Station Pachpedi, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station Pachpedi, District Bilaspur Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. C.R. Sahu, Advocate
 For Non-applicant/State : Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****17.12.2021**

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 21.10.2021 in connection with Crime No.327 of 2021 registered at Police Station Pachpedi, District Bilaspur (C.G.) for commission of offence punishable under Sections 34(2), 59-A of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that based on secret information received by police on 20.10.2021, police intercepted one motorcycle driven by applicant, during search, seized 45 bulk liters of hand made *Mahua* liquor from possession of applicant and he was arrested in the aforementioned crime.
3. Mr. C.R. Sahu, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. He was not found in possession of illicit liquor, but he has been implicated in aforementioned crime. There is no any other criminal

antecedent against him, offence is triable by Magistrate, conclusion of trial may take some time, hence, applicant may be enlarged on regular bail.

4. Per contra, Mr. Shrikant Kaushik, learned P.L. for the State opposing the submissions made by learned counsel for the applicant, would submit that aforementioned illicit liquor was seized from possession of applicant while he was transporting liquor on his motorcycle, hence, he is not entitled for bail.
5. However, upon putting specific query to learned counsel for the State with regard to any criminal antecedent against the applicant, 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 further that there is no any other criminal antecedent against the 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