

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8570 of 2021

Rajesh Ratre S/o Late Santosh Ratre, Aged About 33 Years, R/o Village Khapridihkhurd, Police Station Kharora, District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Rekhraj Baghel, Advocate.
For State	: Ms. Shubha Shrivastava, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.452/2021, registered at Police Station- Kharora, District Raipur, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
2. Case of prosecution is that, on secret information, official of Excise Department intercepted one motorcycle, during course of search seized 23 bulk litres of country liquor from possession of applicant. Based on seizure of liquor, aforementioned crime was registered against applicant and he was arrested.
3. Learned counsel for applicant submits that applicant has been falsely implicated in instant crime. Applicant was not in possession of country liquor but while he was travelling on motorcycle, he was stopped near Nahardih Chowk and implicated in instant crime. Applicant is in jail since 17.10.2021. Offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submission of learned counsel for applicant and submits that applicant during course of search, was found in illegal possession of country liquor, hence, he is not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicant, she after going through case diary submits that applicant is

involved in three other similar crime which is of the year 2017, 2018 & 2021.

Trial of criminal case registered in the year 2017 & 2018 has been concluded and applicant was acquitted.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, period of pre-trial detention of applicant since 17.10.2021, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in 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) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-