

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8718 of 2021**

- Ramesh Kujur aged about 38 Years S/o Sukhnath Kujur R/o Muhalla Kedarpur Infront of Choupati, Ambikapur, Police Station Kotwali Ambikapur, District Surguja Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through Excise Sub-Inspector, Ambikapur, District Surguja, Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. V. Siddharth Ojha, Advocate
For Non-applicant/State	: Ms. Seema Dixit, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****16/12/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 28/2021 registered by Excise Sub-Inspector, Ambikapur, District Surguja (C.G.) for the offence punishable under Section 34(1)(A), 34(2) & 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that based on the secret information, officials of Excise Department reached to the house of applicant on 24.10.2021, during course of search of his house, seized 91 liters of hand made liquor from possession of applicant. After seizure, aforementioned crime is registered against applicant and he was arrested.
3. Learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. There is no other criminal antecedents against him, he is in jail since 24.10.2021. Offence is triable by Magistrate which may take some time, hence, he may be released on bail.
4. Learned State counsel, while opposing the submissions made by learned counsel for the applicant, would submit that officials of

excise department have seized liquor from possession of applicant. However, upon asking specific query with regard to criminal antecedent of applicant, she submits that there is no other criminal antecedent of similar nature against applicant is mentioned in case diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, there is no other criminal antecedents against applicant, offence to be triable by Magistrate, 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 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) The 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