

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8904 of 2021

Raju Pahari S/o Shri Vasu Pahari, Aged About 27 Years, R/o Village Parsada (Bharni), PS- Sakri, District Bilaspur, (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through SHO Sargaon Distt. Mungeli (C.G.).

--- Respondent

For Applicant	: None.
For State	: Mr. Sudhir Sahu, 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.181/2021, registered at Police Station- Sargaon Distt. Mungeli (C.G.), for commission of offence punishable under Section 34(2), 59-A of CG Excise Act.
2. Case of prosecution is that, Police received secret information that applicant is in illegal possession of country liquor standing in front of Panchayat Bhavan Office. Upon receiving information, Police reached on spot, during course of search seized 25 bulk litres of country liquor from his possession. Based on seizure of liquor, aforementioned crime was registered against applicant and he was arrested.
3. Learned State Counsel opposes the bail application 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, he after going through case diary submits that no other criminal antecedent against applicant is mention in case diary.
4. Heard.
5. Considering the entire facts and circumstances of the case, nature of allegation, the fact that there is no other criminal antecedent against applicant,

period of pre-trial detention of applicant since 01.10.2021, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow bail application.

6. 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/-