

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8780 of 2021

Nirmal Yadav S/o Bharatlal Yadav Aged About 26 Years, Resident of Village Jondhara, Police Station Pachpedi, Tahsil Masturi, District Bilaspur Chhattisgarh.

---- Applicant

Versus

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

--- Respondent

MCRC No. 8867 of 2021

Gopal Patel S/o Jagan Patel, Aged About 24 Years, R/o Village Jondhara, P.S. Pachpedi, Tahsil Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

--- Respondent

For Applicant	: Mr. Pradeep Jogi, Advocate.
For State	: Mr. Shrikant Kaushik, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15/12/2021

1. As above two bail applications arise out of same crime number, hence they are being disposed off by this common order.
2. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.330/2021, registered at Police Station Pachpedi, District Bilaspur, (C.G.), for commission of offence punishable under Sections 34(2), 59 (A) of CG Excise Act.
3. Case of prosecution is that Police received secret information that applicants were transporting illicit liquor on motorcycle. Upon receiving information, Police intercepted motorcycle, during course of search, seized 25.920 bulk litres country liquor from possession of applicant (Nirmal Yadav) and 8.650 bulk litres country liquor from applicant (Gopal Patel). Based on seizure of country liquor, aforementioned crime was registered against applicants and they were arrested.

4. Learned counsel for applicants submits that applicants have been falsely implicated in instant crime. Alleged seizure was not from conscious possession of applicants but from road side. There is no any other criminal antecedent against applicants. Offence is triable by Magistrate and trial may take some time for its conclusion. Applicants are in jail since 27.10.2021, hence they may be released on regular bail.
 5. Learned State Counsel opposes the submission of learned counsel for applicants and submits that applicants during course of search, were found in illegal possession of country liquor, hence, they are not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicants, he after going through case diary submits that in case diary no other criminal antecedent is mention against applicants.
 6. Heard learned counsel for the parties.
 7. Considering the entire facts and circumstances of the case, nature of allegation, the fact that no other criminal antecedent is registered against applicants, offence to be triable by Judicial Magistrate First Class, period of pre-trial detention of applicants since 27.10.2021, without commenting anything on merits of the case, I am inclined to allow bail application.
 8. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety each in like sum to satisfaction of concerned Court on the conditions that-
 - a) Applicants shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are 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/-