

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8917 of 2021**

1. Uttam Sahu S/o Late Bhondu Ram Sahu aged about 40 Years R/o Village Bandha Bazar, P.S. Ambagarh Chauki, District Rajnandgaon (C.G.)
2. Dineshwar Kumar Sahu S/o Late Manrakhan Lal Sahu aged about 32 Years Caste Teli, R/o Village Bandha Bazar, P.S. Ambagarh Chauki, District Rajnandgaon Chhattisgarh

----Applicants**Versus**

- State of Chhattisgarh Through The Excise Circle Dongargaon District Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. S.S. Baghel, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer

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

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 24/2021 registered at Excise Circle Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2), 36, 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that officials of excise department upon receiving secret information that some persons are transporting illegal liquor in car bearing registration No. CG08AR3532, intercepted the car, during search, seized 34.56 bulk liters of foreign liquor with an endorsement "for the sale in Madhya Pradesh only". Based upon the seizure aforementioned crime was registered against applicants and they were arrested on 26.10.2021.
3. Learned counsel for the applicants would submit that applicants have not committed any offence as alleged against them, they

have been falsely implicated in the crime. He also submits that there are no other criminal antecedents against applicants of recent past, they are in jail since 26.10.2021. Offence is triable by Magistrate which may take some time, hence, they may be released on bail.

4. Learned State counsel, while opposing the submissions made by the learned counsel for the applicants, would submit that when the officials of Excise Department intercepted car of applicants, they were found present in the car and during search liquor has been seized from the car itself. However, upon asking with regard to criminal antecedents against applicants, she submits that as many as 11 criminal antecedents are there against applicant No. 1, out of which 3 cases of the year 2016, 2017 and 2019 are of Excise Act. She further submits that there is no mention of criminal antecedent against applicant No. 2, in the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, 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 applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants 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