

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8916 of 2021**

- Pandru Kashyap S/o Late Midiyami Kashyap aged about 43 Years
R/o Village Gadiya, Marigudapara, P. S. Lohandiguda District Bastar
Chhattisgarh

----Applicant**Versus**

- State of Chhattisgarh Through Police Station Lohandiguda, District
Bastar, Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Non-applicant/State	: Mr. Amit Verma, 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. 59/2021 registered at Police Station Lohandiguda, District Bastar (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that upon receiving secret information, police reached house of applicant on 19.10.2021, during search of his house, seized 180 bulk liters of foreign liquor from kitchen-garden (Badi) of house of applicant. Based upon the seizure aforementioned crime is registered against applicant and he was arrested.
3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him, he has been falsely implicated in the crime as the liquor allegedly seized from *baadi* which is an open place accessible to anyone, hence, it cannot be said that applicant to be in exclusive possession of liquor. He also submits that there is no other criminal antecedents against him, he is in jail since 19.10.2021. 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 the learned counsel for the applicant, would submit that police has seized huge quantity of liquor from possession of applicant. However, upon asking specific query with regard to criminal antecedent against applicant, he submits that there is no mention of other criminal antecedent of similar nature against applicant 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, place of seizure of liquor, there is no other criminal antecedents against applicant as stated by learned State counsel, 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