

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8956 of 2021

1. Shailendra S/o Shri Laxmi Narayan Aged About 21 Years
2. Derha Ram Sahu S/o Mantheer Ram Aged About 38 Years

Both are R/o Village Belagondi, Tahsil Chhuriya, Thana Gaiandatola, District Rajnandgaon Chhattisgarh.

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through Thana Excise Circle Chichola, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Shri Arvind Prasad, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

16.12.2021

1. At the outset, Shri Arvind Prasad, learned counsel for the applicant seeks permission of this Court to withdraw bail application with respect to Applicant-1 Shailendra, with liberty to revive the same at appropriate stage.
2. In view of submission made by learned counsel for the applicant, application with respect to Applicant- 1 is dismissed as withdrawn with liberty as prayed for.
3. Heard on application of **Derha Ram Sahu**, who has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.39 of 2021 registered at Excise Circle Chichola, District- Rajnandgaon Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

4. Case of the prosecution, in brief, is that, officials of Excise Department received secret information on 02.11.2021 that applicant is in possession of illicit liquor. Based on secret information, officials of Excise Department reached to the house of applicant-2 and during the course of search, seized 51.840 bulk litres of country made liquor and he was arrested on the same day.

5. Shri Arvind Prasad, learned counsel for the applicant submits that applicant is falsely implicated in the crime. Alleged liquor was not found in exclusive possession of applicant as other members are also residing in the same house. Offence to be triable by Magistrate and he may be released on regular bail.

6. Shri Sudheer Sahu, learned State counsel opposed the submissions of learned counsel for the applicant. Upon asking, he submits that in case diary, there is no record of criminal antecedents of applicant.

7. I have heard learned counsel for the parties.

8. Taking into consideration facts and circumstances of the case, nature of allegations, submission of learned counsel for the parties that there is no any other criminal antecedents mentioned in case diary against applicant, offence to be triable by Magistrate which may take some time, without commenting anything on merits of the case, I am inclined to enlarge applicant-2 on regular bail.

9. Accordingly, the bail application is allowed with respect to **Applicant- 2** , **Derha Ram Sahu**. It is directed that the applicant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-

five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma