

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8944 of 2021

Heera Lal Dhimar S/o Late Shri Milau, Aged About 26 Years R/o Village Suragi,
 Ward No. 19, Suragi, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Out Post Suragi,
 P.S. Basantpur, District Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. SS Baghel, Advocate.
For State	:	Ms. Shubha Shrivastava, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16/12/2021

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.477/2021, registered at Police Station -Police Out Post Suragi, P.S. Basantpur, District Rajnandgaon, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
2. Case of prosecution is that on 02.11.2021 Police upon receiving secret information of applicant in illegal possession of illicit liquor in his house, reached to house of applicant, during search, seized 17.28 bulk litres of country liquor from house of applicant. Based on seizure of country liquor, aforementioned crime was registered against applicant and he was arrested.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. There are other members residing in the house, hence, applicant cannot be said that he is in exclusive possession of illicit liquor. Offence is triable by Magistrate, trial may take some time for its conclusion. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that during search, 17.28 bulk litres of country liquor was seized from applicant, hence, he is not entitled for grant of regular bail. However on putting specific query to State Counsel with regard to criminal

antecedent against applicant, he after going through case diary submits that applicant is a habitual offender, as many as 6 previous antecedent is mention in case diary out of which 4 are of Excise Act, one is of the year 2016 and three of 2018.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow this application.
7. 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 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/-