

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9166 of 2021

Keshav @ Montu Ratre **Versus** State of Chhattisgarh

01.12.2021	Mr. Paras Mani Shrivastava, Advocate for applicant. Mr. Alok Nigam, Government Advocate for the State. Heard. Admit. Learned State counsel submits that the case diary is available today. With the consent of parties, matter is heard finally. Order dictated and signed separately. Sd/- (Parth Prateem Sahu) Judge
Pawan	

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9166 of 2021

- Keshav @ Montu Ratre S/o Shri Mohan Lal Ratre, aged about 20 Years R/o Village - Podishankar, Police Station - Bamhanidih, Civil and Revenue District - Janjgir - Champa Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: Station House Officer, Police Station - Bamhanidih, Civil and Revenue District- Janjgir- Champa Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Parasmani Shrivastava, Advocate
For Non-applicant/State	: Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

01/12/2021

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. 82/2021 registered at Police Station Bamhanidih, District Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 27.10.2021, Asst. Sub-Inspector during patrolling duty received secret information that applicant, resident of village Podisankar Bhatapara, is in illegal possession of liquor for sale. Based on the information, police reached on spot, during course of search, recovered 15 bulk liter of hand made (mahua) liquor from the possession of applicant. Based upon the seizure of illegal liquor aforementioned crime is registered against applicant and he was arrested.
3. Mr. Parasmani Shrivastava, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. Seizure of liquor was from an open place and not from conscious possession of applicant. Learned counsel further submits that there is no other criminal antecedents of similar nature against applicant. He is in jail since 27.10.2021. Offence is triable by

Magistrate which may take some time, hence, he may be released on bail.

4. Mr. Alok Nigam, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that liquor has been seized from exclusive possession of applicant. However, upon putting specific query with regard to any criminal antecedents against applicant, upon going through case diary, he submits that there is no other criminal antecedents of similar nature against applicant except one offence under Section 67 of Information Technology Act.
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 and further that applicant is having no criminal antecedents against him of similar nature as stated by learned State counsel, 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