

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9374 of 2021

Neeta Jagat W/o Hitesh Jagat Aged About 36 Years, R/o Model Town House No. 306, Ward No.2, Nehru Nagar, Bhilai, Police Station- Supela, Chowki-Smriti Nagar, District- Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through - S. H. O. Excise Thana Bhilai Circle 01, Durg, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Aman Pandey & Mr. Sunil Verma, Advocate.
For State	:	Mr. BL Sahu, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17/12/2021

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.77/2021, registered at Police Station- Excise Thana Bhilai Circle 01, Distt -Durg, (CG), for commission of offence punishable under Sections 34(1)(a), 34(2), 36-A & 59-A of CG Excise Act.
2. Case of prosecution is that official of Excise Department upon receiving secret information that applicant is in illegal possession of liquor in her house, reached to house of applicant, during search, seized 233.28 bulk litres of foreign liquor from house of applicant. Based on seizure of 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. Alleged seizure of liquor was not from conscious possession of applicant. It is her husband (Hitesh Jagat) who may be involved in activity of selling of illicit liquor. Hitesh Jagat was arrested by the Police on 22.10.2021 on allegation of transporting illicit liquor. Thereafter, he filed an application for grant of regular bail before Co-ordinate Bench of this Court and he was enlarged on bail vide order dated 24.11.2021 in MCRC No.9177 of 2021, which clearly shows that there is no involvement of applicant in commission of crime. There is no other criminal antecedent against applicant.

She is having 10 years old child who is suffering medical ailment, copy of which is also placed on record. Offence is triable by Magistrate, trial may take some time for its conclusion. Hence, applicants may be released on bail.

4. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that during search, 233.28 bulk litres of illicit liquor was seized from applicant, hence, she is not entitled for grant of regular bail. However on putting specific query with regard to criminal antecedent against applicant, after going through case diary, he submits that in case diary there is no mention of any criminal antecedents against applicant of similar nature.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, submissions of learned counsel for parties, the fact that no other criminal antecedent is mentioned against applicant, 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 her 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) She shall not, in any manner, tamper with the prosecution witnesses.
 - c) If she 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/-