

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9329 of 2021

Bedram S/o Shri Tiharu Chakradhari, Aged About 27 Years, R/o Village-Singarpur, P.S. and Tahsil Bhatapara, District- Baloda Bazar- Bhatapara, Civil And Revenue District- Baloda Bazar- Bhatapara (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through- Police Station- Bhatapara (Gramin) District Baloda Bazar Bhatapara, (C.G.).

--- Respondent

For Applicant	:	Mr. MK Sinha, Advocate.
For State	:	Mr. Sudhir Sahu, 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.34/2021, registered at Excise Circle Bhatapara District Baloda Bazar Bhatapara, (C.G.), for commission of offence punishable under Sections 34-1 (5), 34 (2), 59-A of CG Excise Act.
2. Case of prosecution is that on 09.11.2021 official of Excise Department upon receiving secret information that applicant is in illegal possession of liquor in his house, reached to house of applicant, during course of search, seized 103.680 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 seized from dilapidated house of applicant which was not in use. There is no other criminal antecedent against applicant of similar nature. Offence is triable by Magistrate and 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, 103.680 bulk litres of foreign 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, 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 that there is no other criminal antecedent is mentioned against applicant of similar nature, 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/-