

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9353 of 2021

Satyaprakash @ Satya Son Of Jayram Lahre Aged About 35 Years
Resident Of Village Kaneri, P.S. Chakarabhta, District Bilaspur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Chakarbhata, District Bilaspur(C.G.)

---- Respondent

For Applicant : Shri Sanjay Yadav, Advocate

For Non-applicant : Shri B.L. Sahu, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

16/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.251/2021 registered at Police Station -Chakarbhata, Bilaspur (C.G.) for the offence punishable under Section 34 (2), 59-A of the C.G. Excise Act.
2. Case of prosecution is that based on secret information, police reached to the house of applicant, during course of search, seized 19 bulk litres of handmade mahua liquor from the *badi* (kitchen garden) of applicant and he was arrested on 31.10.2021.
3. Learned counsel for the applicant would submit that applicant has

been falsely implicated in crime. He has not committed any offence as alleged against him. Badi which is behind the house of applicant is accessible to all and hence, it cannot be said that applicant was in conscious possession of illicit liquor. He submits that there is no other criminal antecedent of similar nature against applicant in recent past.

4. Learned counsel for the State opposes the submission of learned counsel for the applicant. However upon asking, he submits that there are as many as eight criminal antecedents mentioned against applicant in case diary, out of which, seven are of cases under provision of IPC and one under the Excise Act of the year 2019.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, place of seizure and the fact that offence to be triable by Judicial Magistrate First Class which may take some time, 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 his 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) 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

Praveen