

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9280 of 2021

Santosh and another **Versus** State of Chhattisgarh

29.11.2021	Mr. S.S. Baghel, Advocate for applicant. Mr. Vimlesh Bajpai, 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
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HIGH COURT of CHHATTISGARH, BILASPUR

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1. Santosh S/o Mukut aged about 42 Years
2. Ashok S/o Mahendra aged about 21 Years

Both are Resident of Lalbahadur Shastri Ward Patpar Bhatapara,
Police Station Bhatapara Village, Tehsil Bhatapara, District
Balodabazar Bhatapara Chhattisgarh.

-----Applicants

VERSUS

- State of Chhattisgarh through: SHO Police Station Bhatapara
(village), District: Balodabazar Bhatapara, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Shaleen Singh Baghel, Advocate
For Non-applicant/State	: Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

29/11/2021

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 451/2021 registered at Police Station Bhatapara (village), District Balodabazar, Bhatapara (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 19.09.2021, police received a secret information that two persons travelling on passion pro motor cycle were carrying illicit liquor. Based on the information, police intercepted one motor cycle on which two persons were travelling. During the course of search, police seized 8.640 bulk litre of country made liquor from the possession of Santosh (applicant no. 1). Based on the seizure, crime is registered against applicants and they were arrested.
3. Mr. Shaleen Singh Baghel, learned counsel for the applicants submits that applicants have not committed any offence as alleged against them. They were travelling on motor cycle on road and they have been falsely implicated in the crime, the place from where the alleged illicit liquor was seized is an open place. Learned counsel

further submits that applicants are having no other criminal antecedents of similar nature against them, they are in jail since 20.09.2021, hence, they may be enlarged on bail.

4. Mr. Vimlesh Bajpai, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that police intercepted motor cycle and found applicant No. 1 in possession of illicit liquor, hence, there is prima facie involvement of applicants in the aforementioned crime. As also, looking to the quantity of liquor recovered from the possession of applicants, they are not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents of similar nature against applicants, upon going through case diary, he submits that there is no mention of any criminal antecedents against applicants.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, facts and circumstances of the case, period of pre-trial detention, offence is triable by Magistrate and further that applicants are having no criminal antecedents of similar nature against them, 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 applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are 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