

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9387 of 2021

Motilal Banjara S/o Avdhut Banjara, Aged About 34 Years R/o Village Bodajhariya Banjarapara, Police Station Pusaur, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Pusaur, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Ms. Shruti Shrivastava, Advocate

For Non-applicant : Ms. Seema Dixit, 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.258/2021 registered at Police Station- Pusaur- District- Raigarh (C.G.) for the offence punishable under Sections 34 (2), 59-A of the C.G. Excise Act.
2. Case of prosecution is that police receipt secret information on 12.11.2021 that applicant is in illegal possession of liquor. Upon receipt of secret information, police reached on spot and during course of search of shop of applicant, seized 11.21 bulk litres of foreign liquor. Based on seizure, applicant was arrested.

3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. Offence is triable by Magistrate. Applicant is in jail since 12.11.2021. There is no other criminal antecedent against applicant of similar nature in recent past. Hence, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. Upon asking, learned counsel for the State submits that one criminal antecedent against applicant is mentioned in the case diary of offence under Section 9-B of the Explosive Act.
5. At this stage, learned counsel for applicant submits that one more case under Section 34 (1) (a) of the Excise Act was registered against applicant in the year 2014 and upon conclusion of trial, applicant was acquitted, copy of judgment of acquittal has been placed on record as Annexure A-2.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, there is no criminal antecedent of recent past against applicant of similar nature, without commenting anything on merits, I am inclined to allow the bail application.
8. 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