

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9491 of 2021

Vinay S/o Hemlal Mandle Aged About 23 Years R/o- Ward No.- 19,
Satnamipara Datan, Police Station- Palari, Balodabazar, District-
Balodabazar-Bhatapara (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through- Excise Sub Inspector, State Flying
Squad Raipur Bhatapara (Bhatapara Is Not Mentioned In Cause Title Of
Impugned Order) Chhattisgarh.

---- Respondent

For Applicant : Ms. Deblina Maity, Advocate

For Non-applicant : Ms. Shubha Shrivastava, Panel Lawyer

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

Order On Board

17/12/2021

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.115/2021 registered by State Flying Squad, Raipur District- Raipur (C.G) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of prosecution is that upon receiving secret information that applicant is involved in sale of illicit liquor, State Flying Squad of Excise Department reached on the given address and found applicant in illegal possession of 34.560 bulk litres of liquor. Based on seizure of aforementioned liquor, he was arrested on

16.11.2021.

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. She submits that applicant cannot be said to be in exclusive possession of liquor as there are other inmates also residing in the house. Offence is triable by Magistrate. There is no criminal antecedent against applicant, hence, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. However, upon asking, she submits that no criminal antecedent is mentioned against applicant in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, there is no criminal antecedent of similar nature against applicant, applicant is in jail since 16.11.2021, offence to be triable by Magistrate, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that 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