

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9372 of 2021

D.Gopi **Versus** State of Chhattisgarh

29.11.2021	Mr. A.C. Sahu, Advocate for applicant. Mr. Roshan Dubey, Panel Lawyer 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

MCRC No. 9372 of 2021

- D Gopi S/o Late D Josef aged about 33 Years R/o Sector-2 Street No. 15 B Room No. 10 P.S.- Bhilai Bhatthi Tehsil and District-Durg (C.G.)

-----Applicant

VERSUS

- State of Chhattisgarh through: District Magistrate, District Durg, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Avinash Chand Sahu, Advocate
For Non-applicant/State	: Mr. Roshan Dubey, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

29/11/2021

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 145/2021 registered at Police Station Bhilai Bhatthi, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that on 20.08.2021, police received a secret information that some person is transporting illicit liquor in a maruti van bearing registration number CG07M4423. Based on the information, police, intercepted the van near J.P. square, power house. During the course of search, recovered 27 bulk litre of foreign liquor. Based on the seizure of illicit liquor, crime is registered against applicant and he was arrested in the aforementioned crime.
3. Mr. Avinash Chand Sahu, learned counsel for the applicant submits that applicant has been falsely implicated in the crime. Applicant has not committed any offence as alleged against him. Learned counsel further submits that applicant is not having any other criminal antecedents of similar nature against him, he is in jail since 22.08.2021, hence, he may be enlarged on bail.

4. Mr. Roshan Dubey, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that applicant alone was travelling on maruti van in which illicit liquor was transporting and during the course of search, police recovered 27 bulk litre of liquor from his possession, hence, he is not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents of similar nature against applicant, upon going through case diary, he submits that there is no mention of any criminal antecedents against applicant of similar nature.
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, and the fact that applicant is not having any criminal antecedents against him of similar nature, 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 furnishing a bail bond in the sum of Rs.25,000/- with 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) The 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