

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9416 of 2021

Pavitra Kumar Nishad @ Pankaj Nishad **Versus** State of Chhattisgarh

01.12.2021	Ms. Priya Sharma, Advocate for applicant. Mr. Ajay Kumrani, 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. 9416 of 2021

- Pavitra Kumar Nishad @ Pankaj Nishad S/o Tukaram Nishad aged about 27 Years R/o Village Dandesara Ward No. 9 Chowki Jewara Sirsa Durg, District Durg, Chhattisgarh

-----Applicant

VERSUS

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

-----Non-applicant

For Applicant	: Ms. Priya Sharma, Advocate
For Non-applicant/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

01/12/2021

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. 454/2021 registered at Outpost Jewra, P.S. Pulgaon, District Durg (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 29.10.2021, police received secret information that applicant is transporting illegal liquor in car bearing registration number CG07MA0138. Based on the information, police intercepted the aforesaid vehicle, during course of search, recovered 144 bottles measuring 25.920 bulk liter of foreign liquor from the possession of applicant. Based upon the seizure of illegal liquor aforementioned crime is registered against applicant and he was arrested.
3. Ms. Priya Sharma, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. There is no other criminal antecedents of similar nature against applicant. He is in jail since 02.11.2021. Offence is triable by Magistrate which may take some time, hence, he may be released on bail.
4. Mr. Ajay Kumrani, learned State counsel, while opposing the

submissions made by the learned counsel for the applicant, would submit that looking to the quantity of liquor which has been seized from possession of applicant, he is not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents against applicant, upon going through case diary, he submits that there is one criminal antecedent against applicant alleging to have been committed under the Indian Penal Code.

5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, offence to be triable by Magistrate and further that applicant is having no criminal antecedents against him of similar nature as stated by learned State counsel, 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 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) 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