

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9690 of 2021

Gagandeep Singh @ Golu S/o Balveer Singh, Aged About 24 Years, R/o Behind Nalanda School, Plot No.13, Sundar Nagar, Near Dancha Bhawan, Water Tank, Vishwa Bank Colony, Jamul Bhilai District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through S.H.O. Police Station Jamul, Bhilai, Durg, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Aman Pandey, Advocate.
For State	: Ms. Seema Dixit, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

21/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.153/2021, registered at Police Station -Jamul, Bhilai, Durg, (C.G.), for commission of offence punishable under Sections 34 (2) of CG Excise Act.
2. Case of prosecution is that on 17.04.2021 Police upon receiving secret information intercepted Car bearing registration No.CG/10/K/3300 driven by applicant, during search, seized 129.600 bulk litres of foreign liquor from applicant. Based on seizure of liquor, applicant was arrested in aforementioned crime.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. There is no previous antecedents against applicant. Applicant is in jail since 17.04.2021. Offence is triable by Magistrate, conclusion of trial may take some time. Hence, he may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that during search 129.600 bulk litres of foreign liquor was seized from applicant, hence, he is not entitled for grant of regular bail. However on putting specific query to State Counsel with regard to criminal antecedent against applicant, after going through case diary, she submits that

in case diary no previous antecedent is mentioned against applicant.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegation, submission of learned counsel for parties that there is no previous antecedent against applicant, offence to be triable by Judicial Magistrate, period of pre-trial detention of applicant since 17.04.2021, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in like sum to satisfaction of concerned Court on the conditions that-
 - a) Applicant shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-