

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9378 of 2021

Shankar Kenwat **Versus** State of Chhattisgarh

29.11.2021	Mr. J.K. Gupta, Advocate for applicant. Mr. Ankur Kashyap, 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. 9378 of 2021

- Shankar Kenwat S/o Shri Bhagat Kenwat aged about 27 Years
R/o Village- Khaira, P.S.- Seepat, Distt- Bilaspur (C.G.).

-----Applicant

VERSUS

- State of Chhattisgarh through: SHO, P.S. Aarakshi Kendra,
Masturi, District Bilaspur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. J.K.Gupta, Advocate
For Non-applicant/State	: Mr. Ankur Kashyap, 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. 605/2021 registered at Police Station Aarakshi Kendra Masturi, District Bilaspur (C.G.) for the offence punishable under Section 34(2), 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 15.11.2021, police received a secret information that one person is transporting illicit liquor on his motor cycle. Based on the information, one motor cycle bearing registration number CG10NA4734 was intercepted by the police and during the course of search, 20 bulk litre of hand made (mahua) liquor was recovered from possession of applicant. Based on the recovery of illicit liquor, aforementioned crime is registered against applicant and he was arrested.
3. Mr. J.K. Gupta, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. Applicant has not committed any offence as alleged against him as he was not transporting any liquor along with him. He was travelling on road on his motor cycle. Learned counsel further submits that applicant is having no criminal antecedents against him of any nature, he is in jail since 16.11.2021; offence is triable by the Magistrate, trial may take some time, hence, he may be enlarged on bail.

4. Mr. Ankur Kashyap, learned State counsel, while opposing the submissions made by the learned counsel for applicant, would submit that looking to the quantity of liquor being transported by 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 no mention of any criminal antecedents against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, facts and circumstances of the case, offence to be triable by the Magistrate, trial may take some time and the fact that applicant is not having any criminal antecedents against him, 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