

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9393 of 2021

Pawan Gupta **Versus** State of Chhattisgarh

29.11.2021	Mr. Jitendra Shrivastava, Advocate for applicant. Mr. Sudhir Sahu, 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. 9393 of 2021

- Pawan Gupta S/o Mahesh Prasad Gupta aged about 25 Years Resident of Village Nawapara (Amagsi), Police Station and Tahsil Lakhanpur, District Surguja Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: The Excise Sub Inspector, Divisional Flying Squad, Surguja Division, District Surguja Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Non-applicant/State	: Mr. Sudhir Sahu, 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. 33/2021 registered at Divisional Flying Squad (Excise Department), Surguja Division, District Surguja (C.G.) for offence punishable under Section 34(1) A, 34(2) & 59(A) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that Excise Sub-Inspector of Division Flying squad of Excise Department received a secret information on 19.11.2021 that applicant is involved in selling of illicit liquor. Based on the information, police reached the house of applicant, during course of search, recovered 15.300 bulk litre of foreign liquor. Based on the seizure of liquor from the house of applicant, aforementioned crime is registered against applicant and he was arrested.
3. Mr. Jitendra Shrivastava, 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, place from where the illicit liquor was seized is a place easily accessible to anyone. Applicant was not aware of keeping illicit

liquor in his house. 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 and trial may take some time, hence, he may be enlarged on bail.

4. Mr. Sudhir Sahu, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that 15.300 litres of foreign liquor has been seized from inside the house of applicant, hence, applicant is prima facie involved in commission of crime. However, upon putting specific query with regard to criminal antecedents, if any, 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, submission of learned counsel for the parties, offence is 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