

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9364 of 2021

1. Bhaskar Chaturvedi S/o Jagan Prasad Aged About 18 Years R/o Village Fulwari Kala, Police Station Lalpur, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
2. Jagan Prasad Chaturvedi S/o Jodharu Aged About 52 Years R/o Village Fulwari Kala, Police Station Lalpur, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Lalpur, District Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

For Applicants	:	Shri Hemant Kumar Patel, Advocate
For Non-applicant	:	Shri B.L. Sahu, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

16/12/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.206/2021 registered at Police Station -Lalpur, Mungeli (C.G.) for the offence punishable under Sections 34 (2), 59-A of the C.G. Excise Act.
2. Case of prosecution is that based on secret information received on 11.11.2021, police reached village Fulwari Kala Hagar, during course of search of hut, they found applicants present there along

with handmade mahua liquor. Police seized 7 bulk litres of handmade mahua liquor from possession of applicant No.1 and 15 litres from applicant No.2 and they were arrested.

3. Learned counsel for the applicants would submit that applicants have been falsely implicated in crime. They have not committed any offence as alleged against them. Offence is triable by Magistrate. They are in jail since 11.11.2021, hence, they may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicants and would submit that liquor has been seized from conscious possession of applicants, hence, they are not entitled for grant of bail. Upon asking, learned counsel for the State submits that there is no criminal antecedent against applicant No.1. However, as against applicant No.2, he states that offence under the Excise Act of the year 2012 as also of year 2021 are registered against him.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, further that there is other criminal antecedent against applicant No.2 of the year 2021 under Section 34 of the Excise Act, I am not inclined to allow bail application of applicant No.2. Accordingly, bail application with respect to **applicant No.2** is rejected at this stage. However, as it is mentioned that there is no other criminal antecedent against applicant No.1, his age to 18 years, offence to be triable by Magistrate which may take some

time, without commenting anything on merits, I am inclined to allow application with respect to applicant No.1.

7. Accordingly, application of applicant No.1- **Bhaskar Chaturvedi** is allowed. It is directed that the applicant No.1 shall be released on regular bail, upon his 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) 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