

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9422 of 2021

Devendra Kewat **Versus** State of Chhattisgarh

30.11.2021	Mr. Bharat Lal Dembra, Advocate for applicant. Mr. Shrikant Kaushik, 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. 9422 of 2021

- Devendra Kewat S/o Fulchand Kewat aged about 37 Years Caste Kewat, R/o Village Bandhi, Police Station and Tahsil Pendra, District Gaurella-Pendra-Marwahi Chhattisgarh.

-----Applicant

VERSUS

- State of Chhattisgarh through: Police of Excise Circle Pendra, District Gaurella-Pendra-Marvahi, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Bharat Lal Dembra, Advocate
For Non-applicant/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

30/11/2021

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. 43/2021 registered at Excise Circle Pendra, District Gaurella-Pendra-Marvahi (C.G.) for the offence punishable under Section 34(1)(a), 34(2) & 59(a) of Chhattisgarh Excise Act.
2. Case of the prosecution is, that the police of Excise Department received a secret information that applicant is in possession of illicit liquor. Based on the information, police reached to the house of applicant, during the course of search recovered 8 bulk litre of hand made liquor from his possession. Based upon the seizure of illicit liquor aforementioned crime is registered against applicant and he was arrested.
3. Mr. B.L. Dembra, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime as seizure of liquor from applicant is not from his conscious possession. Learned counsel further submits that applicant is having no other criminal antecedents of similar nature against him, he is in jail since 22.11.2021, offence is triable by Magistrate which may take some time, hence, he may be enlarged on bail.

4. Mr. Shrikant Kaushik, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that police found applicant in possession of illicit liquor from his house, there is prima facie involvement of applicant in the aforementioned crime, hence, he is not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents against applicants, upon going through case diary, he submits that there is no other 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 Magistrate and further that applicant is having no 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