

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9444 of 2021

1. Miniketan Singh S/o Suresh Singh Aged About 24 Years Caste Gada, R/o Village Guthanipali, Police Station Singhoda, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Suresh Singh S/o Lalo Singh Aged About 43 Years Caste Gada, R/o Village Guthanipali, Police Station Singhoda, District Mahasamund Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Singhoda, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Ms. Seema Dixit, Panel Lawyer

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

Order On Board

17/12/2021

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.103/2021 registered at Police Station -Singhoda, District- Mahasamund (C.G) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of prosecution is that based on secret information, police reached on the spot near a canal at village Guthanipali and seized 25 bulk litres of handmade mahua liquor. On basis of seizure of

illicit liquor, applicants were arrested from spot in the aforementioned crime.

3. Learned counsel for the applicants would submit that seizure of liquor is shown from open place. The applicants were only crossing the canal as it is situated by the side of road. They have not committed any offence as alleged against them. There is no other criminal antecedent against them. Offence is triable by Magistrate. Hence, they may be enlarged on bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. However, upon asking, learned counsel for the State submits that no criminal antecedent is mentioned against applicants in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, there is no criminal antecedent mentioned against applicants, applicants are in jail since 20.11.2021, offence to be triable by Magistrate, 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 applicants shall be released on regular bail upon each of them 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) Applicants shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

b) Applicants shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicants are 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

Praveen