

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9433 of 2021

Rajuram Chandrakar S/o Hariram Aged About 43 Years Caste Kurmi,
R/o Laxmanpur, Police Station And Tahsil Chuikhadan, District
Rajnandgaon Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Chuikhadan, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Non-applicant : Mr. Amit Kumar Verma, Panel Lawyer

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

Order On Board

17/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.278/2021 registered at Police Station -Chuikhadan, District- Rajnandgaon 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 to snack shop of applicant, during search, seized 16.740 bulk litres of country made liquor. Upon seizure of illicit liquor, applicant was arrested in the aforementioned crime.
3. Learned counsel for the applicant would submit that applicant has

been falsely implicated. He is only a street vendor and earning his livelihood. He has not committed any offence. Applicant is in jail since 17.11.2021. He is an only earning member of his family. Offence is triable by Magistrate, hence, he may be enlarged on regular bail.

4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that there are two criminal antecedents against applicant, one under Section 34 (2) of the Excise Act of year 2018 and the other is under Section 36-C of the Excise Act of the year 2021.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is in jail since 17.11.2021, 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 applicant 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

Praveen