

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9439 of 2021

Sagar Kenwat **Versus** State of Chhattisgarh

30.11.2021	Mr. Kunwar Lal Sahu, Advocate for applicant. Ms. Smriti Shrivastava, 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. 9439 of 2021

- Sagar Kenwat son of Budhram Kenwat, aged about 23 years, resident of village-Rock, Seepat Police Station-Masturi, District Bilaspur, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: SHO, Police Station Masturi, District Bilaspur, Chhattisgarh

-----Non-applicant

For Applicants	: Mr. Kunwar Lal Sahu, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, 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. 604/2021 registered at Police Station Masturi, District Bilaspur (C.G.) for the offence punishable under Section 34(2), 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 15.11.2021, police received secret information that some person is carrying illegal liquor near pond at village Karra. Based on the information, police reached on spot, intercepted one motor cycle bearing registration number CG10EP8344 and during the course of search of vehicle, police seized 20 bulk litre of hand made liquor containing in two jerrycan. Based upon the seizure of illegal transportation of liquor aforementioned crime is registered against applicant and he was arrested.
3. Mr. K.L. Sahu, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. He was not in conscious possession of illicit liquor. Learned counsel further submits that there is no other criminal antecedents of similar nature against applicant. He is in jail since 15.11.2021. Offence is triable by Magistrate which may take some time, hence, he may

be released on bail.

4. Ms. Smriti Shrivastava, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that police seized 20 bulk litre of hand made liquor from the possession of applicant. However, upon putting specific query with regard to any criminal antecedents against applicant, upon going through case diary, she submits that there is no mention of any criminal antecedents of similar nature against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, offence is triable by Magistrate and further that applicant is having no criminal antecedents against him of similar nature as stated by learned State counsel, 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