

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9427 of 2021

Pankaj Gupta and another **Versus** State of Chhattisgarh

30.11.2021	Mr. Pushkar Sinha, Advocate for applicant. Mr. Vaibhav Singh, 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. 9427 of 2021

1. Pankaj Gupta S/o Naresh Gupta aged about 27 Years R/o Village Ward No. 9, Manendragarh, Police Station and Tehsil Manendragarh District Koriya Chhattisgarh.
2. Om Kewat S/o Satish Kewat aged about 18 Years R/o Village Ward No. 11, Manendragarh, Police Station and Tehsil Manendragarh District Koriya Chhattisgarh

-----Applicants

VERSUS

- State of Chhattisgarh through: SHO, Police Station Manendragarh, District Koriya, Chhattisgarh

-----Non-applicant

For Applicants	: Mr. Pushkar Sinha, Advocate
For Non-applicant/State	: Mr. Vaibhav Singh, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

30/11/2021

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 425/2021 registered at Police Station Manendragarh, District Koriya (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that police received secret information that applicants are in possession of illicit liquor. Based on the information, vehicle on which applicants were travelling was intercepted, during course of search of vehicle, police seized 18 bulk litre of foreign liquor from joint possession of applicants, crime was registered and they were arrested.
3. Mr. Pushkar Sinha, learned counsel for the applicants would submit that applicants have been falsely implicated in the crime as seizure of liquor from applicants is not from their conscious possession but they were intercepted on road while they were travelling on two-wheeler. Learned counsel further submits that applicants are having no other criminal antecedents of similar nature against them, they are in jail since 14.11.2021, offence is

triable by Magistrate which may take some time, hence, they may be released on bail.

4. Mr. Vaibhav Singh, learned State counsel, while opposing the submissions made by learned counsel for the applicant, would submit that police, when searched the vehicle on which applicants were travelling, found 18 bulk litre of foreign liquor. However, upon putting specific query with regard to any criminal antecedents against applicants, upon going through case diary, he submits that against applicant no. 1/ Pankaj Gupta, there are three other offence registered under Section 36(c) of the Excise Act.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegation, facts and circumstances of the case, offence is triable by Magistrate and further that applicants are having no criminal antecedents against him of similar nature ie. under Section 34(2) of Excise Act, 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 furnishing a bail bond in the sum of Rs.25,000/- each with 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) The 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