

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9428 of 2021

Samaru Ram Yadav S/o Muriram Aged About 61 Years, R/o Village Chamarwah, Police Station- Sakti, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through- Excise Circle Sakti, District- Janjgir-Champa, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Jeet Patel, Advocate.
For State	:	Mr. Vaibhav Singh, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

17/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.119/2021, registered at Excise Circle Sakti, District- Janjgir-Champa, (CG), for commission of offence punishable under Section 34(2) of CG Excise Act.
2. Case of prosecution is that official of Excise Department upon receiving secret information that applicant is in illegal possession of liquor in his house, reached to house of applicant, during search, seized 14 bulk litres of country liquor from house of applicant. Based on seizure of liquor, aforementioned crime was registered against applicant and he was arrested.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Alleged seizure of liquor was not from conscious possession of applicant. Applicant is in jail since, 29.10.2021, offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicants may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that during search, 14 bulk litres of country liquor was seized from applicant, hence, he is not entitled for grant of regular bail. However on putting specific query with regard to criminal antecedent against applicant, after going through case diary, he submits that in case diary one

criminal case is mentioned against applicant of similar nature of the year 2020.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, submissions of learned counsel for parties, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court concerned on the conditions that-
 - a) Applicant shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-