

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9572 of 2021**

- Shatrughan S/o Sugarsingh Kamar aged about 51 Years R/o Joratarai, P. S. Magarlod, District Dhamtari Chhattisgarh

----Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Excise Circle, Magarlod, District Dhamtari Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Pushpendra Patel, Advocate
For Non-applicant/State	: Mr. Vaibhav Singh, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****20/12/2021**

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. 36/2021 registered at Excise Circle, Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 34(1) (b), 34(2), 59(B) of Chhattisgarh Excise Act.
2. Case of prosecution is, that officials of Excise Department, upon receiving secret information, reached village Joratarai, during search, seized 18 bulk liters of hand made (*mahua*) liquor from the house of applicant. Based upon seizure aforementioned crime is registered against applicant and he was arrested.
3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him, he has been falsely implicated in the crime, he was not in exclusive possession of liquor as alleged as there are other inmates also residing in the same house. He also submits that there is no other criminal antecedents of similar nature against him, 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. Learned State counsel, while opposing the submissions made by

the learned counsel for the applicant, would submit that liquor was seized from the house of applicant. However, upon asking with regard to criminal antecedent against applicant, he submits that one criminal antecedent of the year 1991 under Section 302 IPC and one another under Preventive Nature of the year 2005 against applicant are mentioned in the case diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, there is no other criminal antecedents against applicant of recent past as stated by learned counsel for the parties, 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 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) 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