

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9432 of 2021

Premlal S/o Punaram Barle Aged About 24 Years R/o Juda, Chowki Lavan, Police Station Kasdol, District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Outpost Lavan, Police Station Kasdol, District Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Ms. Deblina Maity, Advocate

For Non-applicant : Mr. Anil Tripathi, 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.619/2021 registered at Police Outpost- Lavan, Police Station -Kasdol, District- Baloda Bazar-Bhatapara C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of prosecution is that police upon receiving secret information that applicant is in possession of liquor, reached to house of applicant and seized 40 bulk litres of handmade mahua liquor from possession of applicant in front of his house. Based on seizure of illicit liquor, he was arrested in the aforementioned crime.

3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. Seizure of liquor is from open place i.e. on the road, in front of the house of applicant. There is no other criminal antecedent against him. He is in jail since 19.11.2021, offence is triable by Magistrate. Hence, applicant may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. However, upon asking, he submits that there is no other criminal antecedent mentioned against applicant in case diary.
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 19.11.2021, there is no criminal antecedent of similar nature mentioned against applicant, 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