

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9468 of 2021

Jagdish Yadav S/o Gorakhanath Yadav Aged About 48 Years R/o Khaspara, Chuchurungpur, Tahsil Charama, District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Excise Circle Charama , District Uttar Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

---- Respondent

For Applicant : Ms. Bhavika Kotecha, Advocate

For Non-applicant : Ms. Seema Dixit, 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.37/2021 registered at Excise Circle - Charama, District- Uttar Bastar (C.G) for the offence punishable under Section 34 (1) (a), 34 (1) (f), 34 (2), 59-A of C.G. Excise Act.
2. Case of prosecution is that officials of the Excise Department upon receiving secret information reached to house of applicant, during search, seized 11 bulk litres of handmade mahua liquor from house of applicant and he was arrested.

3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. There are other inmates also residing in the house. There is no criminal antecedent of similar nature against applicant. Offence is triable by Magistrate, hence, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that during search, 11 bulk litres of handmade mahua liquor is seized from house of applicant. Hence, there is prima facie involvement of applicant in the aforementioned crime. Upon asking, learned State counsel submits that there is no mention of any criminal antecedent of similar nature against applicant in case diary. She further submits that there is mention of registration of two cases of preventive nature of year 2010 against applicant. Hence, applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, there is no criminal antecedent of similar nature against applicant, applicant is in jail since 19.11.2021, 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 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