

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9506 of 2021

Virendra Miri S/o Govardhan Miri Aged About 45 Years, R/o Village Vicharpur,
P.S. Fastarpur, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Excise Circle, District Mungeli, Chhattisgarh.

--- Respondent

For Applicants	: Ms Laxmin Kashyap, Advocate.
For State	: Ms. Subha Shrivastava, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

20/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No. 66/2021, registered at Excise Circle, Mungeli, Distt Mungeli, (C.G.), for commission of offence punishable under Sections 34(1)(a), 34(2), 59 -A of CG Excise Act.
2. Case of prosecution is that on 18.10.2021 official of Excise Department when on patrolling duty at village Chhattan, on suspicion intercepted motorcycle of applicant, during search, seized 10 bulk litres of hand made Mahua liquor from his possession. Based on seizure of liquor, he was arrested in aforementioned crime.
3. Learned counsel for applicant submits that applicant was not involved in any manner in instant crime, he was stopped by official of Excise Department and implicated in aforementioned crime. There is no criminal antecedent against applicant in recent past, offence is triable by Magistrate, conclusion of trial may take some time. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that during search 10 bulk litres of handmade Mahua liquor was seized from possession of applicant, hence, he is not entitled for grant of regular bail. However on putting specific query to State Counsel with regard to criminal antecedent against applicant, after going through case diary, she submits that in case diary three previous antecedents is mentioned against

applicant of similar nature of the year 2015, 2017 and 2019.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegation, submissions of learned counsel for parties, offence to be triable by Judicial 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 applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety in like sum to satisfaction of concerned Court 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/-