

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9546 of 2021

1. Jitendra Kurre S/o Jagdish Kurre, Aged About 23 Years.
2. Bittu Kumar S/o Late Sant Kumar Manhare Aged About 22 Years.
Both are R/o Patharchuwa, Police Station Suhela, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Police Station Excise Circle Palari, District Baloda Bazar-Bhatapara, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Rakesh Manikpuri, Advocate.
For State	: Ms. Seema Dixit, 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.02/2021, registered at Excise Circle Palari, District Baloda Bazar-Bhatapara, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that on 22.11.2021 official of Excise Department upon receiving secret information intercepted motorcycle of applicants, during search, seized 43.20 bulk litres of country liquor from them. Based on seizure of liquor, applicants were arrested in aforementioned crime.
3. Learned counsel for applicants submits that applicants have been falsely implicated in this case. There is no other criminal antecedent against applicants, offence is triable by Magistrate, conclusion of trial may take some time. Hence, applicants may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that official of Excise Department seized 43.20 bulk litres of country liquor from possession of applicants, hence, they are not entitled for grant of regular bail. However on putting specific query to State Counsel with regard to criminal antecedent against applicants, after going through case diary, she submits that there is no mention of any criminal

antecedents against applicants in case diary.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegation, submission of learned counsel for parties that there is no other criminal antecedent against applicants, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow bail 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/-** each with one surety in like sum to satisfaction of concerned Court on the conditions that-
 - a) Applicants shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are 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/-