

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9620 of 2021

Dhaniram S/o Kanshiram Sahu, Aged About 44 Years, R/o Village Paraswara,
Police Station and Tahsil Pandariya, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate Kawardha, District Kabirdham
Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Himanshu Shukla, Advocate on behalf of Shri Dharmesh Shrivastava, Advocate.
For State	:	Mr. Vimlesh Bajpai, GA.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

07/12/2021

1. Heard.
2. Admit.
3. Learned State Counsel submits that case diary is available.
4. With the consent of the parties, matter is heard finally.
5. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who has been arrested in connection with Crime No.386/2021, registered at Police Station -Pandariya, District -Kabirdham, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
6. Case of prosecution is that, on secret information, Police intercepted one motorcycle, during course of search seized 5.400 bulk litres of country liquor from possession of applicant. Based on seizure of liquor, aforementioned crime was registered against applicant and he was arrested.
7. Learned counsel for applicant submits that applicant has been falsely implicated in instant crime. Alleged seizure was not from conscious possession of applicant. There is no any other criminal antecedent against applicant. Offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicant may be released on bail.

8. Learned State Counsel opposes the submission of learned counsel for applicant and submits that applicant during course of search, was found in conscious possession of country liquor, hence, he is not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicant, he after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicant.
9. Heard learned counsel for the parties.
10. Considering the entire facts and circumstances of the case, nature of allegation, quantity of illicit liquor alleged to be seized from possession of applicant, submissions of learned counsel for the parties that there is no any other criminal antecedent against applicant, offence to be triable by Judicial Magistrate, without commenting anything on merits of the case, I am inclined to allow this application.
11. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in 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 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/-