

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9499 of 2021

Sahdev Lahre @ Tillu Lahre S/o Preamsagar Lahre Aged About 27 Years
R/o Village Pachri, Police Station Patewa, Tehsil And District
Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Patewa, District Mahasamund Chhattisgarh., District : Mahasamund,
Chhattisgarh

---- Respondent

For Applicant : Mr. Arun Kumar Shukla, Advocate

For Non-applicant : Ms. Smriti Shrivastava, 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.302/2021 registered at Police Station- Patewa, Mahasamund (CG) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. Case of prosecution is that based on secret information, police reached on the spot and during course of search, seized 50 bulk litres of illicit liquor from *badi* (kitchen garden) of applicant along with utensils and other articles used for manufacturing of liquor.

Based on seizure of liquor, utensils and other articles, applicant was arrested on 25.11.2021.

3. Learned counsel for applicant would submit that applicant has not committed any offence as alleged against him. There is no criminal antecedent against applicant of similar nature, offence is triable by Magistrate which may take some time. Hence, applicant 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 applicant is engaged in manufacturing and selling of illicit liquor. However, upon asking, she submits that no other criminal antecedent of similar nature 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 allegation, offence to be triable by Magistrate, as submitted by learned counsel for parties that there is no other criminal antecedent of similar nature 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 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