

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9489 of 2021

Raja Ram Yadav **Versus** State of Chhattisgarh

01.12.2021	Ms. Monika Singh, Advocate for applicant. Mr. Amit Verma Panel Lawyer for the State. Heard. Admit. Learned State counsel submits that the case diary is available today. With the consent of parties, matter is heard finally. Order dictated and signed separately. Sd/- (Parth Prateem Sahu) Judge
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HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9489 of 2021

- Raja Ram Yadav S/o Rajoram Yadav aged about 58 Years R/o Village- Midmida, Police Chowki- Jute Mill, P.S. Kotwali Raigarh, Tehsil and District- Raigarh (C.G.)

-----Applicant

VERSUS

- State of Chhattisgarh through: Police Chowki- Jute Mill, Police Station- Kotwali Raigarh, District Raigarh (C.G.)

-----Non-applicant

For Applicant	: Ms. Monika Singh, Advocate
For Non-applicant/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

01/12/2021

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 1591/2021 registered at Chowki Jutemill, P.S. Kotwali Raigarh, District Raigarh (C.G.) for offence punishable under Section 34(2), 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 15.11.2021, police received secret information that at Midmida Chowk one person is in possession of *mahua* liquor and in search of customers for sale. Based on the information, police reached on the spot, during course of search, seized 10 liter of hand made (mahua) liquor kept in plastic jerrycan from the possession of applicant. Based upon the seizure of liquor aforementioned crime is registered against applicant and he was arrested.
3. Ms. Monika Singh, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime as the seizure of liquor was not from conscious possession of applicant but from the open place. Learned counsel further submits that there is no other criminal antecedents of similar nature against applicant. He is in jail since 15.11.2021. Offence is triable by Magistrate which may take some time, hence, he may be

released on bail.

4. Mr. Amit Verma, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that liquor was seized from plastic bag kept by applicant which was seized from his possession, hence, he is not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents against applicant, upon going through case diary, he submits that there is no criminal antecedent against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, offence to be triable by Magistrate and further that applicant is having no criminal antecedents against him as stated by learned State counsel, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon 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) The 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