

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9624 of 2021**

- Sooraj Suryavanshi S/o Teerath Ram Suryavanshi aged about 18 Years R/o Village- Ganiyari, Thana- Kota, Tahseel and District- Bilaspur, Chhattisgarh

----Applicant**Versus**

- State of Chhattisgarh Through Excise Circle Bilaspur (West), District- Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pravin Soni, Advocate
 For Non-applicant/State : Mr. Sudhir Sahu, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****20/12/2021**

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. 0117/2021 registered at Excise Circle, Bilaspur (West), District Bilaspur (C.G.) for the offence punishable under Section 34(1)(a), 34(2)(A) & 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that officials of Excise Department, upon receiving secret information on 24.11.2021 that applicant is in possession of illegal liquor, reached to the house of applicant at village Ganiyari, during search, seized 35 bulk liters of hand made (*mahua*) liquor and 600 kgs of Mahua Lahan from the house of applicant. Based upon the seizure aforementioned crime is registered against applicant and he was arrested on 25.11.2021.
3. Learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him, he has been falsely implicated in the crime, he was not in exclusive possession of liquor as alleged as there are other inmates also residing in the house. He also submits that there is no other criminal antecedents of similar nature against him, he is in jail since 25.11.2021. Offence is triable by Magistrate which may take some

time, hence, he may be released on bail.

4. Learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that looking to the huge quantity of liquor and mahua lahan seized from possession of applicant, he is not entitled for grant of bail. However, upon asking with regard to criminal antecedent against applicant, he submits that no criminal antecedent against applicant is mentioned in the case diary.
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, submissions of learned counsel for parties that no other criminal antecedent 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 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