

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9569 of 2021**

- Dwarika Jayswal S/o Shri Manglu Jayswal Aged About 58 Years R/o Village- Bodtara Kala, Police Out Post- Chilfi, Thana Lormi, District- Mungeli (C.G.)

----Applicant**Versus**

- State of Chhattisgarh Through Excise Officer, Excise Circle Lormi, District- Mungeli (C.G.)

---- Non-applicant

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, 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. 88/2021 registered at Excise Circle, Lormi District Mungeli (C.G.) for the offence punishable under Section 34(1)(A) (F), 34(2), 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that officials of Excise Department, upon receiving secret information that applicant is in illegal possession of liquor, reached to the house of applicant at village Bodtara Kala, during search, seized 15 bulk liters of hand made (*mahua*) liquor and 40 kgs of Mahua Lahan. Based upon the seizure aforementioned crime is registered against applicant and he was arrested.
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 other family members are also residing in the same 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 police seized liquor from the house of applicant. However, upon asking with regard to criminal antecedent against applicant, she submits that one criminal antecedent of the year 2016 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, 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