

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9568 of 2021**

- Bajju Korache S/o Shri Jalliram Korache aged about 60 Years R/o Village - Maroda, Thana - Bandhe, Distt.- North Bastar Kanker (C.G.)

----Applicant**Versus**

- State of Chhattisgarh Through Station House Officer Police Station - Bande, Distt.- North Bastar Kanker (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. 73/2021 registered at Police Station Bande, District North Bastar, Kanker (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that police upon receiving secret information, reached village Maroda, during search, seized 15 bulk liters of hand made (*mahua*) liquor kept in agriculture field from possession of applicant. 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 as alleged illicit liquor was seized from agriculture field, applicant being local resident of village had gone to field for purpose of work and he was not aware about keeping any liquor nearby. He also submits that there is no other criminal antecedents of similar nature against him, he is in jail since 26.11.2021. 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 possession of applicant. However, upon asking with regard to criminal antecedent against applicant, she submits that there is no mention of other criminal antecedent of similar nature against applicant 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, there is no other criminal antecedents against applicant as stated by learned counsel for the parties, 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