

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9570 of 2021**

1. Chunni Lal Nishad S/o Late Paltan Nishad Aged About 19 Years R/o Danteshwari Para, Ward No. 2, Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Vaibhav alias Sandeep S/o Late Indraraj Ramteke Aged About 22 Years R/o Danteshwari Para, Ward No. 2, Dongargarh, District Rajnandgaon Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh Through O.P. Tumdibod, Police Station Lalbagh, District Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. S.S. Baghel, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer

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

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 492/2021 registered at Police Station O.P. Tumdibod, Lalbagh District Rajnandgaon, (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 intercepted motor cycle on which applicants were travelling, during search, seized 43.200 liters of country made liquor. Based upon the seizure aforementioned crime is registered against applicants and they were arrested on 20.11.2021.
3. Learned counsel for the applicants would submit that applicants have not committed any offence as alleged against them, they have been falsely implicated in the crime. Applicants are of tender age. He also submits that there are no other criminal antecedents of similar nature against them, they are in jail since 20.11.2021. 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 applicants, would submit that police seized liquor from the possession of applicants. However, upon asking with regard to criminal antecedent against applicants, she submits that no criminal antecedent against applicants 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, there is no criminal antecedent against applicants as stated by learned counsel for the parties, applicants are of tender age, 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 applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are 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