

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9556 of 2021

Sonsay S/o Jailal, Aged About 25 Years R/o Village Balsi, Police Station Saraipali, District – Mahasamund, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through - Excise Circle, Saraipali, District - Mahasamund Chhattisgarh.

--- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State	: Ms. Seema Dixit, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

20/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.47/2021, registered at Excise Circle, Saraipali, District – Mahasamund, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
2. Case of prosecution is that on 16.11.2021 official of Excise Department upon receiving secret information of applicant in illegal possession of illicit liquor in his house, reached to house of applicant, during search, seized 25 bulk litres of country liquor from house of applicant. Based on seizure of country liquor, applicant was arrested in aforementioned crime.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. There are other members residing in the house, hence, applicant cannot be said that he was in exclusive possession of illicit liquor. There is no previous antecedents against applicant of similar nature. Offence is triable by Magistrate, conclusion of trial may take some time. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that during search 25 bulk litres of country liquor was seized from applicant, hence, he is not entitled for grant of regular bail. However on putting specific query to State Counsel with regard to criminal

antecedent against applicant, after going through case diary, she submits that in case diary no previous antecedent is mentioned against applicant.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegation, submissions of learned counsel for parties that there is no previous antecedent against applicant, offence to be triable by Judicial Magistrate, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety in like sum to satisfaction of concerned Court on the conditions that-
 - a) Applicant shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he 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

Jamal/-