

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 9770 of 2021

Jitendra Bhardwaj **Versus** State of Chhattisgarh

09.12.2021	Mr. Udho Ram Koshaley, Advocate for applicant. Mr. Vaibhav Singh, Panel Lawyer for the State. Heard. Admit. Learned State counsel submits that the case diary is available today. With the consent of parties, matter is heard finally. Order dictated and signed separately. Sd/- (Parth Prateem Sahu) Judge
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HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9770 of 2021

- Jitendra Bhardwaj S/o Late Om Prakash Bhardwaj Aged About 26 Years Resident of Village Godam, Police Station Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: Station House Officer Police Station Excise Circle Raigarh , District Raigarh Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Udho Ram Koshaley, Advocate
For Non-applicant/State	: Mr. Vaibhav Singh, P.L.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

09/12/2021

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. 86/2021 registered at P.S. Excise Circle, Raigarh, District Raigarh (C.G.) for offence punishable under Section 34(1) (A), 34(2) and 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that Sub-Inspector of Excise Department was on patrolling duty on 24.11.2021, at that time, he received a secret information that applicant is in possession of illegal liquor at his house. Based on the information, officers of Excise Department reached on the spot, during course of search, recovered 15 bulk liter of hand made (mahua) liquor. Based upon the seizure of liquor aforementioned crime is registered against applicant and he was arrested on the same day.
3. Mr. U.R. Koshaley, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime, he has not committed any offence as alleged against him as the seizure of liquor was not from exclusive possession of applicant but from the place where other inmates are also residing. Learned counsel further submits that there is no other criminal antecedents of similar nature against applicant. He is in jail since 24.11.2021.

Offence is triable by Magistrate which may take some time, hence, he may be released on bail.

4. Mr. Vaibhav Singh, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, would submit that 15 bulk liter of illicit liquor has been seized from the house of applicant, hence, he is not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents against applicant, upon going through case diary, he submits that there is no criminal antecedent against applicant.
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 and further that applicant is having no criminal antecedents against him as stated by learned State counsel, 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