

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9581 of 2021

- Banshiram Barik S/o Sakharam, Aged About 39 Years, R/o Village Medhapali, Caste -Satnami, Police Station Saraipali, District- Mahasamund, (C.G.).

---- **Applicant**

Versus

- State of Chhattisgarh Through- Police Station Saraipali, District- Mahasamund, (C.G.).

--- **Respondent**

For Applicant	: Ms. Ankita Shriwas, Advocate.
For State	: Ms. AS Chouhan, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

03/12/2021

1. Heard.
2. Admit.
3. Learned State Counsel submits that case diary is available.
4. With the consent of the parties, matter is heard finally.
5. 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.433/2021, registered at Police Station - Saraipali, District- Mahasamund, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
6. Case of prosecution is that Police received secret information that applicant is in illegal possession of liquor in his house. Upon receiving information, Police went on spot, searched house of applicant and recovered 20 bulk litres of handmade mahua liquor. Based upon seizure of liquor, aforementioned crime is registered against applicant and he was arrested on 16.11.2021.
7. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Alleged recovery was not from exclusive possession of applicant, other members are also residing in house. There is no any recent criminal antecedent against applicant. Offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicant may be released on

bail.

8. Learned State Counsel opposes the submission made by learned counsel for the applicant and submits that illicit liquor has been seized from possession of applicant ie from his house itself, hence, he is not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicant, she after going through the case diary submits that in case diary offence under Section 34(2) of CG Excise Act of the year 2015 is mentioned and apart from it there is no any other criminal antecedent against applicant.
9. Heard learned counsel for the parties.
10. Considering the entire facts and circumstances of the case, nature of allegation, quantity of illicit liquor alleged to be seized from possession of applicant, applicant is a resident of village -Medhapali, apart from one criminal antecedent of similar offence of the year 2015 there is no other criminal antecedent against applicant in recent past, without commenting anything on merits of the case, I am inclined to allow this application.
11. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in 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) 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/-