

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9589 of 2021**

1. Ganesh Jain S/o Shri Ramanand Jain aged about 35 Years Presently, R/o Nearby Riddhi Siddhi Garden, Mahavir Nagar, Naya Rajendra Nagar Raipur, Tahsil and District- Raipur, Chhattisgarh, Permanent R/o Klelenda, Police Station Malchhmunda, District- Bargarh, Orissa.
2. Shekh Moin S/o Shekh Rahim aged about 32 Years R/o Sanjay Nagar, P.S. Tikrapara, Raipur, Chhattisgarh

----Applicants**Versus**

- State of Chhattisgarh Through Police Station Civil Lines, Raipur, District- Raipur, Chhattisgarh

---- Non-applicant

For Applicants	: Ms. Ankita Shriwas, Advocate
For Non-applicant/State	: Mr. Vaibhav Singh, 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. 595/2021 registered at Police Station Civil Line Raipur, District Raipur (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 23.11.2021, police upon receiving secret information intercepted one car bearing registration No. CG04HB7781 near Super Specialty Hospital, Pandri, during search, seized 72 liters of foreign liquor from car. Based upon the seizure aforementioned crime is registered against applicants and they were arrested on 23.11.2021.
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. He also submits that there are no other criminal antecedents of similar nature against them, they are in jail since 23.11.2021. Offence is triable by

Magistrate which may take some time, hence, they 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, he submits that as applicant No. 1 is a resident of Orisa state, no criminal antecedent against him is available, no criminal antecedent against applicant No. 2 also, 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, 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