

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9625 of 2021

Devraj Yadav S/o Ghurau Yadav, Aged About 27 Years R/o Nagjhar,
 Police Station Malkharauda, District - Janjgir – Champa, Chhattisgarh.

---- **Applicant**

Versus

State of Chhattisgarh Through, Police Station - Excise Circle Dabhara,
 District - Janjgir – Champa, Chhattisgarh.

--- **Respondent**

For Applicant	: Mr. Vikas Pandey, Advocate.
For State	: Ms. Subra Shrivastava, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

06/12/2021

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.130/2021, registered at Police Station- Excise Circle Dabhara, District - Janjgir – Champa, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
6. Case of prosecution is that on 23.11.2021 official of Excise Department received secret information, based upon which, motorcycle driven by applicant was intercepted and during course of search they recovered 25 bulk litres of handmade liquor. Based on seizure, aforementioned crime is registered against applicant and he was arrested.
7. Learned counsel for applicant submits that applicant has been falsely implicated in instant crime. Alleged seizure was not from exclusive possession of applicant but from open place ie road on which applicant was travelling. There is no other 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 alleged liquor has been seized from motorcycle on which applicant was travelling, hence, there is prima facie involvement of applicant in commission of crime. Therefore, applicant is not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicant, she after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicant.
9. Heard learned counsel for the parties.
10. Considering the entire facts and circumstances of the case, nature of allegation, the fact that there is no other criminal antecedent against applicant, offence to be triable by Judicial Magistrate First Class, without commenting anything on merits of the case, I am inclined to allow bail 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/-