

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9612 of 2021

Dharmendra Kumar Chandra S/o Vikram Chandra, Aged About 44 Years, R/o Awaas Plat, Ward No. 3, Dabhara, 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. AS Chouhan, 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 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.129/2021, 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 Excise Department received secret information on 23.11.2021 that applicant is in possession of illegal liquor in his house. Based on information, Official of Excise Department reached to the house of applicant, during course of search they recovered 12 bulk litres of handmade liquor. Based upon 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 recovery has been shown from the house and not from exclusive possession of applicant. There is no any criminal antecedent against applicant in recent past. 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 based on secret information when official of Excise Department searched house of applicant, they seized 12 bulk liters of handmade liquor, 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 in recent past, she after going through case diary submits that in case diary one case is mentioned against applicant of similar nature, but date and year of crime is not mentioned.
9. Heard learned counsel for the parties.
10. Considering the entire facts and circumstances of the case, nature of allegation, 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/-