

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9677 of 2021

1. Narayan @ Sumit Soni S/o Raju Soni, Aged About 24 Years, R/o Ward No. 25, Sweeper Colony, Mahasamund, Police Station and District- Mahasamund, Chhattisgarh.
2. Manish Vishwakarma S/o Komal Vishwakarma, Aged About 22 Years, R/o Ward No. 25, Sweeper Colony, Mahasamund, Police Station and District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Arun Shukla, Advocate.
For State	:	Mr. Amit Verma, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

07/12/2021

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 applicants, who have been arrested in connection with Crime No.454/2021, registered at Police Station -Mahasamund, District- Mahasamund, (C.G.), for commission of offence punishable under Section 34(2) of CG Excise Act.
6. Case of prosecution is that, on secret information, Police intercepted one motorcycle, during course of search seized 15.120 bulk litres country liquor from possession of applicants. Based on seizure of liquor, aforementioned crime was registered against applicants and they were arrested.
7. Learned counsel for applicants submits that applicants have been falsely implicated in instant crime. Alleged seizure was not found from conscious possession of applicants but from road side. There is no any other criminal antecedent against applicants. Offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicants 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 applicants were intercepted, they were found transporting country liquor measuring 15.120 bulk litres, hence, they are not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicants, he after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicants.
9. Heard learned counsel for the parties.
10. Considering the entire facts and circumstances of the case, nature of allegation, submissions of learned counsel for the parties that there is no other criminal antecedent against applicants, offence to be triable by Judicial Magistrate, 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 applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety each in the like sum to the satisfaction of the Court on the conditions that-
- a) Applicants shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they 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

Jamal/-