

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9705 of 2021

Dinesh Singh Son of Ramnivas Aged About 55 Years, Resident of Village Jagmahant, P.S. Nawagarh, District Janjgir Champa, (C.G).

---- Applicant

Versus

State of Chhattisgarh Through - Station House Officer Police Station Nawagarh, District Janjgir Champa, (C.G.).

--- Respondent

For Applicants	: Mr. Chandra Kumar, Advocate.
For State	: Ms. Shubha Shrivastava, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

21/12/2021

1. 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.443/2021, registered at Police Station Nawagarh, District Janjgir Champa, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that on 17.11.2021 Police upon receiving secret information intercepted motorcycle of applicant, during search, seized 6.120 bulk litres of country liquor from him. Based on seizure of liquor, applicant was arrested in aforementioned crime.
3. Learned counsel for applicant submits that applicant was not carrying/transporting illicit liquor alongwith him, he has been falsely implicated in this case. Offence is triable by Magistrate, conclusion of trial may take some time. Hence, applicants may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that Police during search seized 6.120 bulk litres of country liquor from possession of applicant, hence, he is not entitled for grant of regular bail. However on putting specific query to State Counsel with regard to criminal antecedent against applicant, after going through case diary, she submits that in case diary two similar nature of offence is mentioned against applicant of the year 2013 and 2019.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegation, quantity of illicit liquor alleged to be seized from possession of applicant, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow bail application.
7. 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 like sum to satisfaction of concerned Court on the conditions that-
 - a) Applicant shall appear before 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/-