

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9682 of 2021

Dewashish Mirdha S/o Shri Virendra Mirdha, Aged About 31 Years, R/o Village Irpanar, Thana Bande, District North Baster Kanker, Chhattisgarh.

---- Applicant

Versus

The State of Chhattisgarh Through Excise Circle Pakhanjur, District North Baster Kanker, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For State	: Ms. Seema Dixit, 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.12/2021, registered at Excise Circle Pakhanjur, District North Baster Kanker, (C.G.), for commission of offence punishable under Sections 34(2), 59(A) (1) (2) of CG Excise Act.
2. Case of prosecution is that on 27.11.2021 official of Excise Department upon receiving secret information of applicant in possession of illicit liquor in his house, reached to house of applicant, during search, seized 50.00 bulk litres of handmade mahua liquor from house of applicant. Based on seizure of liquor, applicant was arrested in aforementioned crime.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. There are other members residing in the house, hence, applicant cannot be said that he was in exclusive possession of illicit liquor. There is no previous antecedents against applicant. Offence is triable by Magistrate, conclusion of trial may take some time. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that during search 50.00 bulk litres of handmade mahua liquor was seized from 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 there is no mention of criminal antecedent against applicant.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegations, submission of learned counsel for parties that there is no criminal antecedent against applicant, offence to be triable by Judicial Magistrate, without commenting anything on merits of the case, I am inclined to allow this application.
7. 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 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/-