

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 9719 of 2021**

- Laxminarayan Sahu S/o Suresh Sahu, aged about 26 Years R/o Village Aachola Police Station Tumgaon, District Mahasamund, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: Police Station Tumgaon, District Mahasamund, Chhattisgarh

-----Non-applicant

WITH**MCRC No. 9779 of 2021**

- Virendra Nirala S/o Shyamlal Nirala aged about 32 Years R/o Village Sirpur, Police Station Tumgaon, Tehsil and District Mahasamund Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicants	: Mr. Mohit Kumar, Advocate & Mr. Bhupendra Singh, Advocate
For Non-applicant/State	: Mr. Sudhir Sahu, Panel Lawyer

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****21/12/2021**

1. As both these applications are arising out of same crime number, hence, they are being heard together, and being disposed of by this common order.
2. Applicants have filed these applications under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 269/2021 registered at Police Station Tumgaon, District Mahasamund (C.G.) for the offence punishable

under Section 34(2) of Chhattisgarh Excise Act.

3. Case of prosecution is, that on 30.11.2021, police received secret information that some persons are engaged in transporting illicit liquor on motor cycle. Based on the information, police intercepted motor cycle bearing registration No. CG04MX7930 near Aachola, Mahanadi river bridge, during search, seized 25.20 liters of country made liquor and 6.48 liter of foreign liquor from possession of applicants. Based on the seizure, aforementioned crime is registered against applicants and they were arrested.
4. Learned counsel for the applicants would submit that applicants have been falsely implicated in the crime, they have not committed any offence as alleged against them. They were not transporting any liquor as alleged. Applicants are in jail since 30.11.2021. Offence is triable by Magistrate which may take some time. Learned counsel further submitted that there is no other criminal antecedent against applicants, hence, they may be enlarged on bail.
5. Learned State counsel, while opposing the submissions of learned counsel for the applicants, would submit that applicants have been found in possession of illicit liquor carrying on motor cycle, hence, they are not entitled for grant of bail. However, upon asking with regard to criminal antecedent of applicants, he submits that no criminal antecedent against applicants is mentioned in the case diary.
6. I have heard learned counsel for the parties.
7. Taking into consideration, nature of allegations, facts and circumstances of the case, offence to be triable by Magistrate, and further the submission made by learned counsel for the

parties that there is no other criminal antecedent against applicants, without commenting anything on merits, I am inclined to allow the bail application.

8. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants 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