

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9715 of 2021

1. Manoj Patre S/o Satyanarayan Patre Aged About 35 Years R/o Village Kharora, Police Station Mahasamund, Tehsil And District Mahasamund Chhattisgarh
2. Anil Banjare S/o Santlal Banjare Aged About 22 Years R/o Village Kouwajhar, Police Station Tumgaon, District Mahasamund Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, District Mahasamund Chhattisgarh

---- Respondent

For Applicants : Mr. Arun Kumar Shukla, Advocate

For Non-applicant : Ms. Smriti Shrivastava, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

08/12/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.270/2021 registered at Police Station- Tumgaon, Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act.
2. Case of prosecution is that on 1.12.2021, police received secret information that some persons travelling in motorcycle are in illegal possession of liquor. Based on secret information, motorcycle bearing No.CG-04-MP-2105 was intercepted and during course of

search, police seized 25.200 bulk litres of country-made liquor. Based on seizure, applicants were arrested in aforementioned crime.

3. Shri A.K. Shukla, learned counsel for the applicants would submit that applicants have been falsely implicated in the crime. They were not in possession of any liquor. There are no criminal antecedents against applicants. Hence, applicants may be enlarged on bail.
4. Ms. Smriti Shrivastava, learned counsel for the State opposes the submission of learned counsel for the applicants and would submit that alleged liquor has been seized from joint possession of applicants while they were travelling on motorcycle. Hence, they are not entitled for grant of bail. However, upon putting specific query with regard to any criminal antecedents against applicants, she submits that there is no mention of any criminal antecedents against applicants in the case diary.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, nature of allegation, the fact that there are no criminal antecedents against the applicants, the offence to be triable by the Magistrate which may take some time, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail, upon each of them furnishing a bail bond in the sum of Rs.25,000/- 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) 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