

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9907 of 2021

Vijay Kumar S/o Ramkumar Lahre Aged About 23 Years R/o Village Singhara, Ward No. 18, P.S. Malkharouda, District - Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, District Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. C.P. Lahrey, Advocate

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

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

Order On Board

14/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.134/2021 registered at Excise Circle- Dabhra, District- Janjgir-Champa (C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act.
2. Case of prosecution is that official of the Excise Department received secret information that some persons are in possession of illicit liquor. When the official of the Excise Department reached on spot, they seized 12 bulk litres of handmade mahua liquor transporting on motorcycle. Applicant and co-accused Ajay Banjare

were arrested.

3. Shri C.P. Lahrey, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. There was no seizure of liquor from conscious possession of applicant, but from the open place. He further submits that the applicant is of tender age. There is no criminal antecedents against him. Offence is triable by Magistrate. Hence, applicant may be enlarged on regular bail.
4. Ms. Smriti Shrivastava, learned counsel for the State opposes the submission of learned counsel for the applicant. However, on putting specific query with regard to criminal antecedents against applicant, after going through case diary, she submits that there is no mention of any criminal antecedent against applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, age of applicant and further as stated by learned counsel for the parties that there is no other criminal antecedent against applicant, offence is triable by the Magistrate, 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 applicant shall be released on regular bail, upon his 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) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant 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

Praveen