

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9967 of 2021

1. Suresh Kumar Sahu S/o Visambhar Sahu, Aged About 28 Years Caste Teli.
 2. Gajendra Sahu, S/o Jwala Sahu, Aged About 33 Years Caste Teli.
- Both are R/o Village Deori Dah, P.S. Arjunda, District Balod (Chhattisgarh).

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Somani,
 District Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. SS Baghel, Advocate.
For State	:	Mr. Amit Verma, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

16/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.197/2021, registered at Police Station Somani, District Rajnandgaon, (CG), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that Police received secret information that applicants were transporting illicit liquor on motorcycle. Upon receiving information, Police intercepted the motorcycle, during course of search, seized 18 bulk litres of country liquor from applicants. Based on seizure of liquor, aforementioned crime was registered against applicant and they were arrested.
3. Learned counsel for applicants submits that applicants have been falsely implicated in this case. Alleged seizure of liquor was not from conscious possession of applicants but from road side. There is no other criminal antecedent against applicants. Offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicants may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicants and submits that during course of search, 18 bulk litres of country liquor was seized from applicants, hence, they are not entitled for grant of regular bail. However on putting specific query with regard to any criminal

antecedent against applicants, he after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicants.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, submissions of learned counsel for parties that there is no other criminal antecedent against applicants, 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 each in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicants shall appear before Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they 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

Jamal/-