

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9943 of 2021

Gopu @ Prakash Pandey S/o Late Rakesh Pandey, Aged About 30 Years, R/o Purani Basti, Bramhan Mohalla, Ward No. 4, Korba, Tahsil and District -Korba, (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Kotwali Korba, District Korba, (Chhattisgarh).

--- Respondent

For Applicant	: Ms. Mandawi Bhardwaj, Advocate.
For State	: Mr. Sudhir Sahu, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15/12/2021

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.1131/2021, registered at Police Station Kotwali Korba, District Korba, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that on 03.12.2012 Police received secret information that applicant is in illegal possession of handmade mahua liquor in his house. Upon receiving information, police reached on spot, during course of search seized 25 bulk litres of handmade mahua liquor from house of applicant. Based on seizure of mahua liquor, aforementioned crime was registered against applicant and he was arrested.
3. Learned counsel for applicant submits that applicant has been falsely implicated in instant crime. There is no other criminal antecedent of similar nature against applicant. He is in jail since 03.12.2021, offence is triable by Magistrate and trial may take some time for its conclusion. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submission of learned counsel for applicant and submits that during course of search, 25 bulk litres of handmade mahua liquor was seized from house of applicant, hence, there is prima facie

involvement of applicant in commission of crime. He is not entitled for grant of bail. However, on putting specific query with regard to any criminal antecedent against applicant, he after going through case diary submits that as many as 11 criminal cases are mentioned against applicant, but no offence under Excise Act.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in 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) 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/-