

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 10113 of 2021

Ashish Jain **Versus** State of Chhattisgarh

21.12.2021	Ms. Smita Jha, Advocate for applicant. Mr. Vimlesh Bajpai, Government Advocate for the State. Heard. Admit. Learned State counsel submits that the case diary is available today. With the consent of parties, matter is heard finally. Order dictated and signed separately. Sd/- (Parth Prateem Sahu) Judge
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HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 10113 of 2021

- Ashish Jain S/o Hasmukh Jain Aged About 44 Years R/o- Galaxy Residency, Amlidih Police Station - Amlidih, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: Excise Circle, Police Station - Excise Circle Pachpedi Naka, Raipur District - Raipur Chhattisgarh

-----Non-applicant

For Applicant	: Ms.Smita Jha, Advocate
For Non-applicant/State	: Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

21/12/2021

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 108/2021 registered at Excise Circle, Pachpedi Naka, Raipur, District Raipur (C.G.) for offence punishable under Section 34(2), 59(a)(1), (2) of Chhattisgarh Excise Act.
2. Case of prosecution is, that officials of Excise Department received secret information on 04.12.2021. Based on the information, police intercepted a car bearing registration No. CG04HD4993, which was driven by applicant, during search, seized 45 liters of foreign liquor. Based upon the seizure of liquor aforementioned crime is registered against applicant and he was arrested.
3. Ms. Smita Jha, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime, he has not committed any offence as alleged against him. She further submits that there is no other criminal antecedents against applicant. He is in jail since 04.12.2021. Offence is triable by Magistrate which may take some time, hence, he may be released on bail.

4. Learned State counsel, while opposing the submissions of learned counsel for the applicant, would submit that looking to the quantity of seized liquor from possession of applicant, he is not entitled for grant of bail. However, upon asking with regard to criminal antecedents against applicant, he submits that no criminal antecedent against applicant is mentioned in the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration, nature of allegations, facts and circumstances of the case, submissions of learned counsel for the parties that there is no other criminal antecedent against applicant, offence to be triable by 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 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) The 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