

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9974 of 2021

Sujeet Upadhyay S/o Late Shankar Lal Upadhyay, Aged About 32 Years, R/o Village Venkat Nagar P.S. Jaithari, District Anuppur (M.P.).

---- Applicant

Versus

State of Chhattisgarh Through - S.H.O. P.S. Pendra, District Gaurela Pendra Marwahi (C.G.).

--- Respondent

For Applicant	:	Ms. Priya Sharma, Advocate.
For State	:	Mr. Vimlesh Bajpai, GA.

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 applicant, who has been arrested in connection with Crime No.309/2021, registered at Police Station -Pendra, District Gaurela Pendra Marwahi, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that Police received secret information that applicant was transporting illicit liquor on Car bearing registration No.MP-65-ME-1628. Upon receiving information, Police intercepted the car, during course of search, seized 16.560 bulk litres of foreign liquor from applicant. Based on seizure of foreign liquor, aforementioned crime was registered against applicant and he was arrested.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Alleged seizure of liquor was not from conscious possession of applicant. There is no other criminal antecedent against applicant. 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 submissions of learned counsel for applicant and submits that based on secret information applicant was intercepted and during course of search, 16.560 bulk litres of foreign liquor was seized from him, hence, he is not entitled for grant of regular bail. However on

putting specific query with regard to any criminal antecedent against applicant, he after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicant.

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 applicant, 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 applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one local surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicant shall appear before 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/-