

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 10007 of 2021

Chainsingh S/o Jumman Gond, Aged About 35 Years, R/o Village Lalpur, Police Station Salhewara, Tehsil-Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Excise Circle - Gandai, District- Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Abhishek Pandey, Advocate.
For State	:	Mr. Sudhir Sahu, 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 applicant, who has been arrested in connection with Crime No.35/2021, registered at Excise Circle Gandai, District- Rajnandgaon, (C.G.), for commission of offence punishable under Sections 34(1) b, 34(2), 59-A of CG Excise Act.
2. Case of prosecution is that official of Excise Department upon receiving secret information that applicant is in illegal possession of illicit liquor in his house, reached to house of applicant, during search, seized 30.650 bulk litres of country liquor from house of applicant. Based on seizure of 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 exclusive and conscious possession of applicant, other members are also residing in the same house. There is no other criminal antecedent against applicant. Offence is triable by Magistrate, conclusion of trial may take some time. Hence, applicant may be released on bail.
4. Learned State Counsel opposes the submissions of learned counsel for applicant and submits that during search, 30.650 bulk litres of country liquor was seized from applicant, 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 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/-