

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5802 of 2015

- Shivnarayan, aged about 55 years, son of Prem Das Tandon, resident of Village Amethi, P.S. Suhela, Distt. Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh through S.H.O., Suhela, District Baloda Bazar, Bhatapara (Chhattisgarh).

For the applicant	:	Mr. Hemant Gupta, Advocate
For the Respondent	:	Mr.. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.102/2015 registered at P.S. Suhela, District Baloda Bazar (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when the raid/inspection was conducted by the police, 5.220 bulk litres of illicit liquor was seized from the possession of this applicant.
3. Learned State Counsel has pointed out that the concerned SHO has reported that the applicant has no previous criminal antecedents.
4. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.220 bulk litres; offence is triable by the JMFC and the applicant is in jail since 12.09.2015 this Court is inclined to release him on bail. Accordingly, this application is allowed.
5. The applicant is directed to be released on bail on his executing a

personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.

6. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand cancelled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where the trial is pending.
7. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**