

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5947 of 2015

- Raju Yadav S/o Chhedi Yadav Aged about 32 Years R/o Vill. Pura, P.S. & Tah. Takhatpur, Distt. Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Excise Circle Takhatpur, P.S. & Tah. Takhatpur, Distt. Bilaspur, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Ravindra Sharma, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.11.2015

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. 208/2015 registered at P.S. Excise Circle Takhatpur, P.S. Takhatpur, Distt. Bilaspur (C.G) for the offence punishable under Sections 34(1)(a), 34(2) & 59(a) of the Excise Act.
2. The prosecution alleges that when the raid/inspection was conducted by the police, 07.560 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 previous criminal antecedents and earlier he was involved in 3 criminal cases of similar nature.
4. Learned counsel for the applicant submits that earlier in 2008-2009, two cases were registered against the applicant and the last case was registered in the year 2014 bearing Criminal Case No.376/2014 under Section 36(c) of the Excise Act and all the cases were decided and the applicant was acquitted.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.560 bulk litres; offence is triable by the JMFC and the applicant is in jail since 08.10.2015 and in earlier cases registered against him were decided and he was acquitted, this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. 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.
7. 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.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**