

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5790 of 2015

- Chovaram, son of Dipchand Rawat, aged about 45 years, resident of village Khallari, Thana Bhimkhoj, Tahsil Bagbahara, District Mahasamund (C.G).

---- Applicant

Versus

- State of Chhattisgarh through the the Excise Officer, Excise Circle Mahasamund City, District Mahasamund (Chhattisgarh).

--- Respondent

For the applicant	:	Mr. Vikash Pradhan, Advocate
For the Respondent	:	Ms. Sunita Jain, P.L.

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. 160/2015 registered at P.S. Bhimkhoj/Excise Circle Mahasamund City, Distt. Mahasamund (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 8.640 bulk litres of illicit liquor was seized from the possession of this applicant.
3. Per contra, learned State Counsel opposes the bail application. However, he submits 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 8.640 bulk litres; offence is triable by the JMFC and the applicant is in jail since 06.10.2015 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**

Rao