

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6034 of 2015

Mohan Mannade S/o Dayaram Aged About 59 Years Caste
Satnami, R/o Village Bohardih, Thana Bhimkhoj, District
Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bhimkhoj, District Mahasamund Chhattisgarh.

---- Respondent

For applicant – Shri Vikash Pradhan, Advocate.
For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 174/2015 registered in Police Station Bhimkhoj, District-Mahasamund (C.G.) for offence punishable under Section 34 (2) of Chhattisgarh Excise Act.
2. As per the prosecution case on 20/10/2015 on raid being made 7.740 bulk liters of illegal country made liquor was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that he has been falsely implicated in this case and he is in jail since 23/10/2015.
4. Learned State counsel opposes the prayer for grant of bail and would submit that another case under Section 34-A of Excise Act for

keeping liquor was registered against the applicant and the offence being bailable, he was enlarged by the police station. Subsequently, this offence has been committed.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.740 bulk liters, offence is triable by Judicial Magistrate First Class and the applicant is in jail since 23/10/2015, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.

6. It is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

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 trial is pending.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE