

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6737 of 2015

- Devlal Khalkho, S/o Late Chhandu Khalkho, Aged About 34 Years, R/o Village Kanjinala Chikatwani, P.S. Dharamjaygarh, Civil & Rev. Distt. Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, P.S. Dharamjaygarh, Distt. Raigarh, Chhattisgarh. - **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2015

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. 339/2015 registered at P.S. Dharamjaygarh, Distt. Raigarh (C.G) for the offence punishable under Section 34(1)(A)(2), 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 20 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 08.11.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application and submits that earlier two cases of similar nature were registered against this applicant. In reply, learned counsel for the applicant placed on record the acquittal orders passed in Criminal Case Nos.1187/2010 &

1878/2011 to show that clean acquittal of the applicant was made and submits that the applicant has been falsely implicated in this case.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 18 bulk litres; offence is triable by the JMFC and the applicant is in jail since 08.11.2015 and looking to the fact that earlier the applicant was acquitted of the charges, 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 as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE