

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1267 of 2016

Babbu Ram @ Lala, S/o. Salikram, Aged About 24 Years, R/o. Village -
Machkhanda, Police Station - Seepat, District – Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -
Seepat, District – Bilaspur, Chhattisgarh .

---- Respondent

For Applicant : Ms. Meenu Banerjee, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.02.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.288/2015 registered at Police Station– Seepat, District Bilaspur (C.G.) for the offence punishable under Section 34(1)(A), 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on a raid being conducted on 22.11.2015, total 27 liters of illegal country made liquor was seized from the possession of the applicant and he was arrested.
3. Learned counsel for the applicant submits that this is the second bail application, the earlier bail application was dismissed for the reason that against the applicant another criminal case under Section 34 of the Excise Act was pending in Crime No.133/2015. It is further submitted that the earlier criminal case has been decided on 30.01.2016 wherein the applicant has been acquitted. She relied

on the copy of the judgment dated 30.01.2016 passed in Criminal Case No.9018/2015 and would submit that considering the fact that the applicant is in jail since 22.11.2015, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that in the earlier case, the applicant has been acquitted.
5. Considering the fact that the charge sheet has been filed and in the earlier criminal case, which is decided on 30.01.2016, the applicant has been acquitted as per the certified copy of the judgment placed on record and further considering the quantity of the liquor seized and the period of detention, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge