

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4026 of 2016

- Chaitan Prasad Patel S/o Late Santram Patel Aged About 45 Years R/o Village - Saragpali, Thana - Saraipali, Distt. Mahasamund Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station - Saraipali, Distt. Mahasamund Chhattisgarh --- **Respondent**

For the applicant	:	Mr. R. S. Patel, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 190 of 2016 registered at P.S. Saraipali, Distt. Mahasamund (C.G) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
2. As per the prosecution case, when a raid was conducted by the police on 12.06.2015 from the possession of the applicant 9.720 bulk litres of illicit liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and no seizure was made in person from the applicant. He further submits that earlier the applicant was also inculpated in similar nature of offence wherein he was acquitted as it would be evident from order dated 28.08.2015 (Annexure A-2) passed in Criminal Case No.640/2015, therefore, the present is a case of false implication and the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Taking into fact that the quantity of seized liquor in this case is 9.720 bulk litres; offence is triable by the JMFC and the applicant is in jail since 12.06.2016 as also the fact that the applicant was acquitted in earlier case, this Court is inclined to release him on bail.
6. Accordingly, the bail application is allowed and 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 shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE