

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5070 of 2016

- Naresh Chandrakar S/o Uttam Chandrakar Aged About 38 Years R/o Village Kande, Police Station & Tahsil Dondi, District Balod, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer Police Station Dondi, District Balod, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Shivendra Bharadwaj, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.08.2016

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. 101/2016 registered at P.S. Dondi, Distt. Balod (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 09 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that earlier a case u/s 34(1)(A) of the Excise Act, 1915 was registered wherein he was acquitted on 18.06.2015, a copy of the acquittal order has been annexed as Annexure A-2 along-with the bail application. He further submits that applicant has been falsely implicated in this case as no seizure was made in person from him, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 9 bulk litres; offence is triable by the JMFC and the applicant is in jail since 09.07.2016 as also considering the fact that the applicant was acquitted in earlier Criminal Case No.199/2015 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 shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE