

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 211 of 2016

- Jagdish Kurre, S/o Biselal Kurre, Aged About 36 Years R/o Village - Sundari, P.S. - Pallari, District - Baloda-Bazar - Bhatapara Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through :- S. H. O. - Pallari, District - Baloda - Bazar - Bhatapara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Hemant Gupta, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.02.2016

1. This is Second 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.394/2015 registered at P.S. Pallari, District Baloda Bazar – Bhatapara (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. The earlier bail application was dismissed on 7.12.2015.
3. The prosecution alleges that when a raid was conducted on 12.11.2015, 27 bulk litres of illicit liquor was seized from the possession of the applicant.
4. Learned counsel for the applicant submits that the charge sheet in this case has been filed and the applicant is in jail since 13.11.2015 i.e., more than 3 months and no progress has taken place in this case, therefore, he may be enlarged on bail. He further submits that the earlier bail application was dismissed taking into notice that one criminal case bearing No.681 of 2015 already stands registered for keeping less than 5 bulk litres of illicit liquor wherein also the

trial is not progressing for want of seizure witness. He, therefore, submits that taking into quantity of liquor and the fact that the applicant is in jail since 13.11.2015, he may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail application.
6. Perused the earlier order of the Criminal case No.681/2015. Apparently it appears that it was u/s 34(A) of the Excise Act and the quantity of liquor seized in that case was less than 5 litres.
7. Taking into consideration the totality of the circumstances and the fact that the charge sheet in this case has been filed; the applicant is in jail since 13.11.2015, offence is trial by the JMFC as also looking to the quantity of liquor seized, I am inclined to release the applicant on bail.
8. 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 trial Court as and when directed by the said Court.
9. It is made clear that this matter cannot be considered as precedent.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE