

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3099 of 2016

- Kishor Satnami S/o Charan Satnami Aged About 30 Years R/o Chandanu, Chauki Chandnu, Thana Nandghat, Revenue & Civil District Bemetara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Chauki Chandnu, Thana Nandghat, Revenue & Civil District Bemetara, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2016

1. This is first application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 152/2016 registered by Police Chauki Chandnu, P.S. Nandghat, Distt. Bemetara (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 12.600 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(2) of the Excise Act was registered against the applicant wherein he has been acquitted on 05.08.2014.
4. Per contra, learned State Counsel opposes the bail application. However, she do not dispute the fact that in earlier case the applicant has been acquitted.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 12.600 bulk litres; offence is triable by the JMFC and the applicant is in jail since 07.05.2016 as also the fact that in earlier case, the applicant has been acquitted 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