

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3595 of 2016**

Samaylal S/o Madanlal, aged about 45 years, Caste-Satnami, resident of Village-Soramsinghi, P.S.-Bhimkhoj, Tahsil & District-Mahasamund (CG)

---Applicant**Versus**

State of Chhattisgarh Through: Station House Officer, Police Station-Bhimkhoj, District-Mahasamund (CG)

---Non-applicant

For Applicant	:	Mr. Vikas Pradhan, Advocate
For Non-applicant	:	Mr. Neeraj Jain, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/06/2016**

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.46 of 2016, registered at Police Station-Bhimkhoj, District-Mahasamund (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. First bail application of the applicant has been dismissed on the ground of registration of Crime No.177 of 2015 for offence under Section 34(1) (A) of the Chhattisgarh Excise Act. Now the applicant has been acquitted from the aforesaid charges on 20.5.2016.

3. In the present case, only 6.840 bulk liters of illicit liquor was seized from the possession of the present applicant.

4. I have heard learned counsel appearing for the parties and perused the case diary.

5. Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014, decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 6.840 bulk liters of illicit liquor has been seized from the applicant which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicant is in custody since 20.3.2016 and case is triable by the Judicial Magistrate First Class and trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant that he has falsely been implicated in the present case, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, second bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall

co-operate the prosecution during trial.

- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-