

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7416 of 2015**

- Patiram Kurre, S/o Mahetaru Kurre, aged about 58 years, R/o village – Sildaha, P.S. & Tahsil – Pathariya, Revenue Distt. - Mungeli, Civil Distt. - Bilaspur (C.G.)

---- Petitioner**Versus**

- State of Chhattisgarh, Through the Excise Officer, Excise Circle Mungeli, Distt. Mungeli (C.G.)

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent/State	:	Shri Anant Bajpai, P.I. for the State.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****18.01.2016**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.457/2015 registered at Police Station Excise Circle Mungeli, Dist. Mungeli for the offence punishable under Section 34 (1) (A), 34(2) & 59 (A) of the Chhattisgarh Excise Act.
2. As per the prosecution case, in brief, on an information received that the applicant was selling the liquor, a raid was conducted on 06.12.2015 and seized 8.280 bulk litres of country made liquor from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. He further submits that on an earlier occasion in a similar case, the applicant has been arrested in connection with Crime No. 350/2015 for keeping two liters of liquor and thereafter has also been acquitted of the charge under Section 34 (A) of the Chhattisgarh Excise Act. He further submits that the applicant is in jail since 06.12.2015, and therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the quantity of the liquor seized in this case and after considering the fact that the applicant has been released on bail in a similar nature of offence of the Excise Act and further considering the totality of the circumstances and the fact that the quantity of seized liquor is 8.280 bulk liters; offence is triable by the JMFC and the applicant is in jail since 06.12.2015, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand cancelled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where trial is pending.

Certified copy as per rules.

Sd/-
(GOUTAM BHADURI)
Judge