

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7708 of 2015

- Kamalkranti Rao S/o Narendra Rao Aged About 30 Years R/o Village Kuruskera, Police Station & Post Office Rajim, Distt. Gariyaband, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Panduka, Distt. Gariyaband, Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

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.01/2014 registered at P.S. Panduka, Distt. Gariyaband (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that when a raid was conducted on 20.10.2014, 40.500 bulk litres of illicit liquor was recovered from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 08.12.2015 and no seizure has been made from this applicant and he has been falsely implicated in this case. He prays for releasing the applicant on bail.
4. Per contra, learned State Counsel opposes the bail application. However, she submits that the concerned SHO has reported that the applicant has no criminal past antecedents.

5. Perused the case diary.
6. 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.6846/2014) decided on 05.01.2015), if the facts of the present case are examined, it is apparent that there is no criminal antecedents of the present applicant and only 40,500 bulk litres of illicit liquor has been seized from him which is more than prescribed limit of 5 bulk litres, but looking to the fact that it is first offence of the applicant and he is in custody from 08.12.2015 and the case is triable by the Judicial Magistrate First Class and the trial is likely to take some more time and further taking into the nature and gravity of offence and plea raised by the applicant that he has been falsely implicated in this case, I am of the opinion that present is a fit case, which the applicant should be enlarged on regular bail.
7. Accordingly, the bail application is allowed and 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 trial Court as and when directed by the said Court.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**