

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4859 of 2016

Jitendra Yadav, S/o. Late Shri Tijau Yadav, By Caste-Raut, aged about 28 years, R/o. Village-Bhoring, Thana – Tumgaon, Civil and Revenue District – Mahasamund (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Tumgaon, District – Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

05/09/2016

1. This is the 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. 128/2016, registered at Police Station- Tumgaon, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 17.100 bulk liters and he was arrested on 20.07.2016.
3. Learned counsel for the applicant submits that earlier on two occasions, the applicant was likewise falsely implicated, wherein he has been acquitted of the charges by an order dated 27.05.2016 and 13.05.2016. The counsel placed his reliance on the certified copies of the order dated 27.05.2016 and 13.05.2016 and prays that the

applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the order of the acquittal. Further taking into the fact the nature of implication and the quantity of the liquor seized i.e. 17.100 bulk liters and in earlier two cases, the applicant has been acquitted of the charges, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge