

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5475 of 2016

- Premlal S/o Shankar Lal Patel Aged About 45 Years R/o Village -
Khaira, Chowki - Karhi - Bazar, P.S. - City - Kotwali, District - Baloda -
Bazar - Bhatapara Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through S. H. O. - Chowki - Karhi - Bazar, P. S.
- City Kotwali District - Baloda - Bazar - Bhatapara Chhattisgarh ----
Respondent

For the applicant	: Mr. Hemant Gupta, Advocate
For the Respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.09.2016

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. 300 of 2016 registered at P.S. Baloda Bazar, City Kotwali, District Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 26.170 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that earlier the applicant was also arrested in a false case u/s 34(1)(A) of the C.G. Excise Act which was registered as criminal Case No.03/2015 relating to Crime No.526/2014 wherein the applicant has been acquitted on 07.09.2015 and in the instant case also, the applicant has been falsely implicated. He further submits that no further investigation is necessary and the applicant is in jail since 02.08.2016, therefore, he

may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, on verification, he do not dispute the fact that in earlier case the applicant was acquitted.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 26.170 bulk litres; offence is triable by the JMFC and the applicant is in jail since 02.08.2016 as also the fact that in previous case the applicant has been acquitted by the CJM Baloda Bazar on 07.09.2015, 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