

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6156 of 2016

- Boda S/o Santram Dhimar Aged About 35 Years Caste- Dhimar, R/o Village Bhedimuda, Ward No. 8 Thana Ratanpur, District Bilaspur, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Ratanpur, District Bilaspur, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Mahendra Dubey, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 196 of 2015 registered at P.S. Ratanpur, Distt. Bilaspur (C.G) for the offence punishable under Sections 34(2), 59(A) of the C.G. Excise Act.
2. As per the prosecution case, when a raid was conducted by the Police on 18.10.2015 in the house of present applicant, 18 bulk litres of liquor was recovered and immediately after the recovery, the applicant ran away.
3. Learned counsel for the applicant would submit that earlier two bail applications were dismissed for want of prosecution. He submits that in fact no recovery was made in person from the applicant and in order to avoid false implication, the applicant ran away. He further submits that the charge sheet has already been filed; no further investigation is necessary and the applicant is in jail since 02.07.2016,

therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the facts and circumstances of the case, especially the fact that the charge sheet in this case has been filed, offence is triable by the JMFC and the applicant is in jail since 02.07.2016 as also looking to the quantity of liquor i.e., 18 litres allegedly recovered from him, I am inclined to allow this bail application.
6. 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.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**