

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6225 of 2016

- Tabrej Khan S/o Nisar Khan Aged About 25 Years R/o Lakholi, Rajnandgaon, Civil & Revenue District - Rajnandgaon Chhattisgarh ----- **Applicant**

Versus

- State of Chhattisgarh through : Police Station - City Kotwali Rajnandgaon, District - Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	: Mr. Rakesh Thakur, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.10.2016

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. 591/2016 registered at P.S. City Kotwali, Rajnandgaon, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 5.400 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that earlier also the applicant has been falsely implicated in similar nature of case wherein he has been acquitted vide order dated 26.05.2015 passed in Criminal case No.4768/2014. He further submits that in this case also the applicant has been falsely implicated as the seizure was made from an open place and not from exclusive possession of the applicant. He further submits that the applicant is in jail since

08.09.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 5.400 bulk litres; offence is triable by the JMFC and the applicant is in jail since 08.09.2016 as also the fact that in earlier case the applicant has been acquitted, this Court is inclined to release him on bail.
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 said Court as and when directed by the said Court.

C.c. today.

Sd/-
GOUTAM BHADURI
JUDGE