

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6558 of 2016

Dharmendra Sahu S/o Hinsaram Sahu Aged About 22 Years R/o Village
Kokpur, Police Station & Tehsil Dongargaon District Rajnandgaon
Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through The Police Station Gendatola District
Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant : Mr. S.S. Baghel, Advocate
For the Respondent : Mr. Vivek Singhal, 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. 42 of 2016 registered at P.S. Gendatola, 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, 17.280 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 a case u/s 34(1) (A) of the Excise Act wherein and he was acquitted on 08.08.2016 in Criminal case No.1354/2015. He further submits that in this case also applicant has been falsely implicated as no seizure was made in person from him. He further submits that the applicant is in jail since 29.07.2016 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 17.280 bulk litres; offence is triable by the JMFC and the applicant is in jail since 29.07.2016 as also considering the fact that in earlier case the applicant has been acquitted, 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