

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6759 of 2016

- Madan Lal S/o Late Kishori Lal Aged About 54 Years R/o Ward No. 15, Rampara, Gandai, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Gandai, District Rajnandgaon Chhattisgarh
--- **Respondent**

For the applicant	: Mr. Abhishek Sharma, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.11.2016

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. 213 of 2016 registered at P.S. Gandai, District Rajnandgaon (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 on 31.08.2016, from the possession of the applicant 8.640 bulk litres of illicit liquor was seized.
3. Learned counsel for the applicant submits that earlier also the applicant has been falsely implicated wherein he has been acquitted by order dated 24.10.2016 passed in Criminal Case No.696 of 2015 which relates to Crime No. 696/2015. He placed on record copy of the said order. He further submits that in this case also no seizure was made in person from the applicant and he has been falsely implicated, 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 especially the fact that in earlier case the applicant has been acquitted; the quantity of seized liquor in this case is only 8.640 bulk litres; offence is triable by the JMFC and the applicant is in jail since 31.08.2016 this Court is inclined to release him on bail.
6. Accordingly, the 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. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE