

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6779 of 2016

- Shashikant Barapatre S/o Ghanshyam Barapatre Aged About 35 Years R/o Behind Electric Office, Tatiband, District Raipur Chhattisgarh --- **Applicant**

Versus

- State Of Chhattisgarh Through - Thana - Aamanaka, Revenue / Civil District Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate
For the Respondent	:	Mr. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2016

1. This is first 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. 223/2016 registered at P.S. Aamanaka, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, when a raid was conducted by the police on 01.10.2016, from the possession of the applicant 8.100 bulk litres of illegal liquor was recovered.
3. Learned counsel for the applicant would submit that earlier also the applicant was inculpated in false case u/s 34(2) of the Excise Act and the applicant is being tried in Criminal case No.1382/2013 wherein the seizure witness Veer Singh has been examined and he has not supported the case of prosecution and the said case is pending since 2013. He referred to the order sheet and would submit that the other

seizure witness Bharatu has not been served and therefore, in this case also the applicant has been falsely implicated.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the totality of facts and circumstances of the case especially the fact that the quantity of alleged liquor seized in this case is only 8.100 bulk litres, offence is triable by the JMFC and applicant is in jail since 01.10.2016, 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**