

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7347 of 2016

- Santosh Kumar Gupta S/o Shri Naresh Sao, Aged About 45 Years
Caste- Kalwar, R/o Village- 4 (11) Number, Dandkarwa, (Wrongly
Mentioned As No. 4 In The Order Sheet), Police Station Chandoura,
Tahsil- Pratappur, District- Surajpur, Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Police Station Chandoura, District-
Surajpur, Chhattisgarh --- **Respondent**

For the applicant	: Mr. A. K. Prasad, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.11.2016

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. 56/2016 registered at P.S. Chandoura, Distt. Surajpur (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges tht on receipt of certain information the shop of the applicant was raided on 29.9.2016 and during such raid, 42.200 bulk litres of illegal liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and earlier also he was implicated in a false case u/s 34(1)(A) wherein he has been acquitted by order dated 25.07.2016 passed in Criminal Case No.185/2015, therefore, the present is also a false case. It is also submitted that the charge sheet in this case has been filed and the applicant is in jail since 30.09.2016,

therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that in earlier case, the applicant has been acquitted.
5. Taking into consideration the totality of the facts and circumstances and the nature of recovery especially the fact that in earlier case registered u/s 34(1)(A) of the Excise Act, the applicant has been acquitted; offence is triable by the JMFC and the applicant is in jail since 30.09.2016 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