

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1584 of 2017

- Deepak Sahu S/o Shyamlal, Aged About 25 Years R/o Budhwaripara Ward No. 15, Dongargarh, Tehsil & Police Station Dongargarh, District Rajnandgaon Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through the Police Station Dongargarh District Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	: Mr. Shaleen Singh Baghel, Advocate
For the Respondent	: Mr. U.K.S. Chandel. Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

22.03.2017

1. This is first application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 49/2017 registered at Dongargarh, 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 was conducted by the Police from the possession of the applicant 18 bulk litres of illicit liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and in earlier case also he was falsely implicated wherein he has been acquitted by order dated 21.09.2016 passed in Criminal Appeal No. 1633/2015, 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

only 18 bulk litres; offence is triable by the JMFC and the applicant is in jail since 21.2.2017 and further considering the fact that in earlier case, the applicant has been acquitted, this Court is inclined to release him on bail.

6. Accordingly, this 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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