

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8423 of 2016

- Lachchhu Ram Dewar S/o Sattar Dewar, Aged About 35 Years R/o Shanti Chowk, Dewarpara, Ranitarai, Police Station Ranitarai, Tahsil & District Durg, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Excise Circle, Durg South, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Jitendra Gupta, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

12.01.2017

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. 224/2016 registered at P.S. Excise Circle, Durg South, Distt. Durg. (C.G) for the offence punishable under Section 34(1)(A) & 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 17.11.2016, from the possession of the applicant 14.400 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 fact no seizure was made in person from him. He further submits that earlier also the applicant has been falsely inculpated even u/s 376(2)(d) of IPC and the trial was conducted against him vide S.T.No. 159/2014 wherein he has been acquitted on 14th January 2015 and the present is also false case.
4. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that

in earlier case, the applicant was acquitted.

5. The order dated 14.01.2015 passed in S.T.No.159/2014 is placed on record by which the applicant was acquitted by the Sessions Judge (FTC) Durg.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 14.400 bulk litres; offence is triable by the JMFC and the applicant is in jail since 17.11.2016 and in earlier case, the applicant was acquitted, this Court is inclined to release him on bail. Accordingly, this application is allowed.
7. 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