

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8467 of 2016

- Pappu Markandey S/o Santu Ram, Aged About 30 Years R/o Pinkapar, Police Chowki Pinkapar, Police Station Deori, District Balod, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Chowki Pinkapar, Police Station Deori, District Balod, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Uttam Pandey, Advocate
For the Respondent	: Mr. Wasim Miyam, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

16.01.2017

1. This is second 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. 127/2016 registered at Police Chowki Pinkapar P.S. Deori, Distt. Balod (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 24.10.2016, from the possession of the applicant 8.100 bulk litres of illicit liquor was seized .
3. Learned counsel for the applicant submits that this is second bail petition and the first bail petition was dismissed as withdrawn since another case is reported to be pending against the applicant u/s 34(1)(A). It is stated that in the said case, the present applicant has been acquitted on 16.11.2016 copy of which has been placed alongwith the bail petition as Annexure A-3, therefore, the second bail

application has been filed. It is further submitted that in the instant case also the applicant has been falsely implicated as no seizure was made in person from him. He further submits that the applicant is in jail since 24.10.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that in earlier any case the applicant has been acquitted.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 8.100 bulk litres; offence is triable by the JMFC; the applicant is in jail since 24.10.2016 and further taking into the fact that in earlier case, the applicant has been acquitted 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