

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 49 of 2017

Ritesh Rao, S/o. Khanderam, Aged About 31 Years, R/o. Village Titurdih,
Near Musk, Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O. Police Station Suhela, District
Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.82/2016 registered at Police Station- Suhela, District Baloda Bazar - Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act and 25 of Arms Act. The first bail application was dismissed as withdrawn on 20.12.2016 in MCRC No.8080 of 2016.
2. As per the prosecution case, on a raid being conducted on 12.07.2015, from the possession of the present applicant in a vehicle bearing No.C.G.04 CZ 1000, total 169.2 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that despite the summons issued to the seizure witness, they have not turned up and the applicant is in jail since 12.11.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the quantity of the liquor seized, I am not inclined to release the applicant on bail. However, taking into fact that the earlier bail application was dismissed as withdrawn and further considering the fact that the applicant is in jail since 12.11.2016, the Trial Court is directed to expedite the Trial.
6. With such observation, the bail application is disposed off.

Sd/-
(Goutam Bhaduri)
Judge