

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 406 of 2017

- Kabirdas Mathur S/o Gangadas Mathur, Aged About 60 Years R/o Village- Barduli, Police Station- Jarhagaon, Tahsil And District- Mungeli Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Jarhagaon, District- Mungeli Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. D.P. Mishra. Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

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. 234/2016 registered at P.S. Jarhagaon, Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the C.G. Excise Act, 1915.
2. As per the prosecution case, on a raid being conducted on 11.12.2016, from the possession of the applicant 6.300 bulk litres of liquor was seized.
3. Learned counsel for the applicant would submit that this is second bail application and the earlier bail application was dismissed as withdrawn on 09.01.2016 with liberty to repeat the same after the charge sheet has been filed. He submits that no seizure was made in person from the applicant; the charge sheet has been filed and the applicant is in jail since 11.12.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the facts and circumstances of the case especially the fact that the charge sheet has been filed; applicant is in jail since 11.12.2016 and further looking to the quantity of liquor i.e., only 6.300 bulk litres and the nature of alleged recovery, I am inclined to allow this bail application.
6. Accordingly, the bail 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. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**