

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1335 of 2019**

Anjori Das, S/o Bahrul Das, aged about 58 years, R/o Village Chikhli, Police Station Arang, Tahsil and District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Excise Circle, Tilda, Raipur, District Raipur (CG). **---- Non-applicant**

For Applicant : Ms. Sunita Sahu, Advocate.
For Non-applicant : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.02.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.59/2018 registered in Police Station Excise Circle Tilda, District Raipur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 13.02.2019 passed in M.Cr.C. No.1009/2019 considering *prima facie* of case and looking to this fact that 05 criminal cases have been registered against the applicant.
4. Prosecution story in brief is that on 14.11.2018, 21.42 bulk liters of foreign liquor has been seized from the possession of the applicant.
5. Counsel for the applicant argued that the applicant is innocent and has been falsely implicated in the present case. She further submitted that only one case under 34(A) of C.G. Excise Act has been registered against the applicant. 05 criminal cases have been registered against his brother namely Anjor Das in police case diary. In support of her case, she drew my attention on Annexure A/3, the true copy of document of Station House Officer, Arang wherein it has been clearly mentioned that only 01 case has been registered against the applicant hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. She submitted that this is true that only 01 case under 34(2) of C.G. Excise Act has been registered against the applicant. Earlier, the concerned police has wrongly informed her that 05 criminal cases have been registered against him.
7. The aforesaid facts and circumstances of the case are sufficient

grounds to release the applicant on bail in second bail application. Consequently, the second bail application is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs.25,000/- along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that will not involve himself in any of the crime in future, he be released on bail and he shall not commit any such type of offence in future.

8. Certified copy as per rules.

L/-

Sd/-
(Sharad Kumar Gupta)
JUDGE