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**(2011) 09 CHH CK 0021**  
**In the Chhattisgarh High Court**  
**Case No : M.Cr.C. No. 2637 of 2011**

Rooplal

APPELLANT

Vs

State of C.G.

RESPONDENT

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**Date of Decision :** 06-09-2011

**Acts Referred:**

Central Excises and Salt Act, 1944 — Section 34(1), 34(2)

**Citation :** (2012) 2 CGLJ 401

**Hon'ble Judges :** Prashant Kumar Mishra, J

**Bench :** Division Bench

**Advocate :** Arun Kochar, for the Appellant; Arvind Shukla, PL, for the Respondent

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## Judgement

Hon"ble Shri Prashant Kumar Mishra, J.—The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 91/2011 registered in Police Station Excise Sub Inspector Circle Baradwar District Janjgir-Champa for offence punishable u/s 34 (2), 34 (1)

of the Excise Act. The prosecution alleges that the applicant was found to be in possession of illicit country made liquor measuring 10 bulk litres and 20 kg mahua lahan on 4/08/2011.

2. Learned State counsel has opposed the prayer for grant of bail. Taking into consideration the fact that the offence is triable by Magistrate First Class and the applicant is in jail since 4/08/2011, this Court is inclined to release the applicant on bail. It is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand cancelled without reference to the court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where trial is pending.