

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6740 of 2015

- Nirbhay Singh S/o Janeshwar Prasad Aged About 24 Years R/o Village Kaouhakuda, Post Office, Police Station & Tahsil Pithoura, Distt. Mahasamund, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, P.S. Excise Circle Pithoura, Distt. Mahasamund, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Mr. Vivek Singha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 98/2015 registered at P.S. Excise Circle Pithoura, Distt. Mahasamund (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, 126 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 24.10.2015 and the charge sheet has already been filed.
4. Per contra, learned State Counsel opposes the bail application. However, he submits that the concerned SHO has reported that the applicant has no criminal antecedents.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 126 bulk litres; offence is triable by the JMFC and the applicant is in jail since 24.10.2015 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 is directed to appear before the said Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE