

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6739 of 2015

Fuleshwar, son of Shri Fagnu Chouhan, aged about 40 years,
r/o Village Paraskol, Tahsil & Thana Saraipali, District
Mahasamund (C.G) ... **Applicant**

Vs.

State of Chhattisgarh through Police Station Saraipali, District
Mahasamund (C.G) ... **Respondent**

For the applicant	:	Mr. R. S. Patel, Advocate
For the Respondent	:	Mr. Vivek Singhal, 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. 389/2015 registered at P.S. Saraipali, Distt. Mahasamund (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 10 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 05.10.2015 and the seizure having been made, no further investigation is necessary.
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 10 bulk litres; offence is triable by the JMFC and the

applicant is in jail since 05.10.2015 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