

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6977 of 2015

- Lokesh Mishra S/o Krishna Kant Mishra Aged About 24 Years
R/o Village, Post & P.S. Dharsiva, Tahsil & District Raipur
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : The Station House Office,
Police Station Dharsiva, District Raipur Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. N.K. Chatterjee Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.12.2015

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. 280/2015 registered at P.S. Dharsiva, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 24.300 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the illicit liquor was seized from the possession of co-accused on 07.09.2015 and merely on suspicion the present applicant was arrested on 02.11.2105. He, therefore, submits that the applicant has been falsely roped in the offence.
4. Per contra, learned State Counsel opposes the bail application and submits that the applicant was apprehended alongwith other co-accused. However, he submits that 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 24.300 bulk litres, bulk litres; offence is triable by the JMFC and the applicant is in jail since 02.11.2015 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