

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7164 of 2015

- A. Prem S/o A Vijay Aged About 25 Years R/o Behind Dena Bank
Street No. 8, Sector No. 11, Bhilai District Durg Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : Station House Officer, P.S. Chhawani
Bhilai District Durg Chhattisgarh

--- Respondent

For the applicant	:	Mr. Anurag Jha, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.12.2015

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. 655/2015 registered at P.S. Chhawani, Bhilai, District Durg (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 17.280 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no seizure was made from his possession.
4. Per contra, learned State Counsel opposes the bail and submits that earlier the applicant was arrested for keeping 1.620 bulk litres of illicit liquor in Crime No.619/2015.
5. Taking into consideration the totality of the circumstances and the quantity of seized liquor in this case is 17.280 bulk litres and its seizure is denied by the applicant; offence

is triable by the JMFC and the applicant is in jail since 27.10.2015 and also considering the fact that on earlier occasion, the applicant was found to be in possession of only 1.620 litres 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**