

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7191 of 2015

- Setram S/o Shri Bhaleswar Sanwra Aged About 34 Years R/o Village Ganeshpur, P.S. & Tahsil Basna, Civil And Rev. Distt. Mahasamund Chhattisgarh. --- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Basna, Distt. Mahasamund Chhattisgarh.

---- **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.12.2015

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. 194/2014 registered at P.S. Basna, District Mahasamund (C.G) for the offence punishable u/s 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 25 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that no seizure has been made from the possession of the applicant and he has been falsely implicated in this case. He further submits that the applicant is in jail since 07.08.2015 and the seizure having been made from co-accused, 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 25 bulk litres; offence is triable by the JMFC and the applicant is in jail since 07.08.2015 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