

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6108 of 2015

Khelawan Yadav S/o Kedar Yadav, Aged About 55 Years, R/o
Village Vatgan, Thana & Tah. Palari Distt. Baloda Bazar - Bhatapara
Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Excise Circle, Baloda Bazar, Distt.
Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For the applicant	:	Mr. N.K. Malviya, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.11.2015

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. 499/2015 registered at P.S. Excise Circle Baloda Bazar, Distt. Baloda Bazar – Bhatapara (C.G) for the offence punishable under Sections 34(2) of the Excise Act.
2. The prosecution alleges that on 14.10.2015 when the raid was conducted by the police, 06 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 14.10.2015. 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 previous antecedents.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 06 bulk litres; offence is triable by the JMFC and the applicant is in jail since 14.10.2015, I am 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

Rao