

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6228 of 2015

- Ghanshyam Nishad, S/o Sukhram Nishad, Aged About 29 Years, R/o Village Tarapur, Thana - Kotra Road, Civil and Rev. Distt. Raigarh Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Kotra road, Distt. Raigarh Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Sumit Shrivastava, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.11.2015

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. 290 of 2015 registered at P.S. Kotra Road, Distt. Raigarh (C.G) for the offence punishable under Sections 34(1)(A)(2), 59(A) of the Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 19.860 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 15.10.2015 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

19.860 bulk litres; offence is triable by the JMFC and the applicant is in jail since 15.10.2015 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**

Rao