

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6343 of 2015

- Rakesh Alias Radhe Dheever, S/o Hirasingh Dheever, Aged About 25 Years, R/o Village Lokhandi, District Bilaspur (Chhattisgarh) Haal Mukam, Near Ameri Fatak, Police Station Chakarbhata Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

- State of Chhattisgarh Through The Police Station, Civil Lines District Bilaspur (Chhattisgarh)

---- Respondent

For the applicant	:	Mr. Shailesh Singh Baghel, Advocate
For the Respondent	:	Mr. Anupam Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2015

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. 593 of 2015 registered at P.S. Civil Lines, Bilaspur, Distt. Bilaspur, Chhattisgarh for the offence punishable under Section 34(A) of the C.G. Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police, 6.120 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 27.09.2015 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 earlier a case under Section 394 IPC was

filed against him.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 06.120 bulk litres; offence is triable by the JMFC; applicant is in jail since 27.09.2015 and looking to the fact that there are no criminal antecedents of similar nature of crime under the Excise Act, 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**