

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6286 of 2015

- Khel Kumar Sahu S/O Hariram Sahu, Aged About 36 Years R/o Village - Dharashiv, Chowki- Lawan, P. S. Kasdol, Civil & Revenue Distt. Balodabazar- Bhatapara (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through, Out Post - Lawan, Police Station - Kasdol, Distt. Balodabazar - Bhatapara (Chhattisgarh)

---- Respondent

For the applicant	:	Mr. Anil S. Rajput, Advocate
For the Respondent	:	Mr. Sunita Jain, 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. 410 of 2015 registered Police Out Post Lawan, Kasdol, District Balodabazar Bhatapara (C.G) for the offence punishable under Sections 34(2) of C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 15 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 27.10.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. She submits that earlier in the year 2012, a case was registered against the applicant u/s 34-A of the Excise

Act.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 15 bulk litres; offence is triable by the JMFC, the applicant is in jail since 27.10.2015 and look to the fact that the earlier in the year 2012, case was registered against the applicant u/s 34(A) of the Excise Act, which is bailable offence and the learned State Counsel is unable to state the result of the said criminal case, 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**