

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6336 of 2015

- Sunahar Sahu, S/o Ramlal Sahu, Aged About 48 Years, R/ Ekta Nagar, Simga, Distt. Balodabazar, Bhatapara, Chhattisgarh. ----- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, P.S. Simga, Distt. Balodabazar Bhatapara, Chhattisgarh.

----- **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate
For the Respondent	:	Ms. Sunita Jain Panel Lawyer

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. 336 of 2015 registered at P.S. Simga, Distt. Baloda Bazar- Bhatapara(C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 27.360 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 23.10.2105 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application and submits that against the applicant, one case was registered under the Excise Act in the year 2008
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 27.360 bulk litres; offence is triable by the JMFC and the applicant is in jail since 23.10.2015 and looking to the fact that no case is registered in the proximity of time though a similar case was registered way back in the year 2008, 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