

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7123 of 2015

- Dhanesh Verma S/o Late Rikhiram Verma Aged About 40 Years R/o Village Litiya, P.S. Lalbag, District Rajnandgaon, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Excise Circle Ghumka, Distt. Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Shailendra Dubey, Advocate
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.12.2015

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. 240/2015 registered at P.S. Excise Circle, Ghumka, District Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 69.120 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the liquor was seized from an open field which is adjacent to the house of the applicant and not from conscious possession of the applicant.
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. Having regard to the fact that seizure was made from an open field which is adjacent to the house of the applicant and taking into the evidence available as also the fact that offence is triable by the JMFC and the applicant is in jail since 27.11.2015, 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