

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7240 of 2015

- Rajkumar Sarthi S/o Prem Lal Sarthi Aged About 30 Years R/o Village Tausir, Deepapara, Police Station Baramkela, District Raigarh Chhattisgarh. --- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baramkela, District Raigarh Chhattisgarh.

--- **Respondent**

For the applicant	:	Mr. Ashish Gupta, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.12.2015

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. 123/2015 registered at P.S. Baramkela, District Raigarh (C.G) for the offence punishable under Section 34(1)(A)(2) & 59(2) of the Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 35 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 25.10.2015. and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application and submits that within the close proximity of period, no offence of similar nature was registered.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 35. bulk litres; offence is triable by the JMFC and the applicant is in jail since 25.10.2015 as also looking to the fact that within the close proximity of time, no offence under the Excise Act was registered, 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 shall also appear before the trial Court as and when directed by the said Court.

7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE