

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 62 of 2016

- Shyamdas S/o Roopdas Manikpuri Aged About 30 Years By
Caste Panika, R/o Village Gajmarra, Tahsil & Thana
Dongargarh, Distt. Rajnandgaon Chhattisgarh--- **Petitioner**

Versus

- The State of Chhattisgarh Through District Magistrate
Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Parag Kotecha, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.01.2016

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. 362 of 2015 registered at P.S. Dongargarh for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution case in brief is that when a raid was conducted 10.980bulk 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 20.08.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, he/she submits that the concerned SHO has reported that the applicant has no past antecedents.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 10.980 bulk litres; offence is triable by the JMFC and looking

to the period of detention as he is stated to be in jail since 20.08.2015, 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 trial Court as and when directed by the said Court.

7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE