

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 133 of 2016**

1. Jhabbu Lal Manhare S/o Devdas Manhare Aged About 47 Years R/o Village Sitapar, Police Station Simga, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh
  2. Dwarika Manhare S/o Jhabbu Lal Manhare Aged About 18 Years R/o Village Sitapar, Police Station Simga, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh
- Petitioners**

**Versus**

- State of Chhattisgarh Through : Station House Officer, Police of Police Station Simga, District - Baloda Bazar Bhatapara Chhattisgarh
- Respondent**

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| For the applicant  | : | Mr. Anil Gulati, Advocate     |
| For the Respondent | : | Ms. Sunita Jain, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**25.01.2016**

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 417 of 2015 registered at P.S. Simga, District Baloda Bazar, Bhatapara (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution case, in brief, is that when a raid was conducted 27 bulk litres of illicit liquor was seized from the joint possession of the applicants.
3. Learned counsel for the applicants submits that no recovery has been made from the applicants and they have been falsely implicated in this case. He further submits that the applicants are in jail since 23.12.2015 and they may be released on bail.

4. Per contra, learned State Counsel opposes the bail application and that the concerned SHO has reported that one case was registered against the applicants 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 27 bulk litres; offence is triable by the JMFC and the applicants are in jail since 23.12.2015 as also looking to the fact that earlier no case has been registered u/s 34(2) of the Excise Act within the close proximity of time, this Court is inclined to release them on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court . They 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**