

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3173 of 2016

- Malik Ram S/o Sheshram Thakur, Aged About 52 Years R/o Village- Rudgaon, Thana/Tahsil- Dongargaon, District- Rajnandgaon (Chhattisgarh) --- **Petitioner**

Versus

- State of Chhattisgarh Through- Thana- Excise Circle Dongargaon, Revenue/Civil District- Rajnandgaon (Chhattisgarh) --- **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.06.2016

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. 35/2016 registered at P.S. Excise Circle Dongargaon, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2)(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 5.400 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 11.05.2016 and the alleged seizure having been made, no further investigation is necessary.
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 u/s 34(2) 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 only 5.400 bulk litres; offence is triable by the JMFC and the applicant is in jail since 11.05.2016 this Court is inclined to release him on bail.

6. Accordingly, the application is allowed and 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE