

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3298 of 2016

- Ram Ji S/o Dore Lal Aged About 45 Years R/O Village -
Dadarkhurd, Tehsil - Korba, Civil & Revenue District - Korba, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Police Outpost Manikpur (P.S. - Kotwali, Korba), Distt. Korba Chhattisgarh --- **Respondent**

For the applicant	: Mr. Mirza KesharBaeg, Advocate
For the Respondent	: Mr. Vonod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.07.2016

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. 217 of 2016 registered at Police out post Manikpuri, Police Station Kotwali, Korba, District Korba, (C.G) for the offence punishable under Sections 34(1)(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 11.880 bulk litres of *Desi* liquor and 8 nos. of Can beer along-with cash was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 13.05.2016 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 according to concerned SHO, no case u/s 34(2) of the Excise Act stands registered against the applicant.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 11.880 bulk litres of Desi liquor along with and 8 nos. of Can beer; offence is triable by the JMFC and the applicant is in jail since 13.05.2016 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE