

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3390 of 2016

- Faguram S/o Dayaram Dhidhi Aged About 58 Years R/o Village Karmada, Police Station & Tahsil Baloda Bazar, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh through Excise Sub Inspector Range (Circle) Baloda Bazar, in the Revenue & Civil District Baloda Bazar Bhatapara, Chhattisgarh.

--- Respondent

For the applicant	: Mr. Santosh Kumar Verma, Advocate
For the Respondent	: Miss Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.07.2016

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. 110/2016 registered by P.S. Excise Police Range (Circle) Baloda Bazar, District Baloda Bazar/Bhatapara (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 27 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 27.05.2016 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, earlier 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 27 bulk litres; offence is triable by the JMFC and the applicant is in jail since 27.05.2016 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