

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3513 of 2016

1. Rupesh Yadav, son of Fagu Ram Yadav Aged About 32 Years R/o Vill. Manikpur, P.S. - Lalpur Tah. Lormi & Distt. Mungeli, Chhattisgarh, Civil And Rev. Distt. Mungeli Chhattisgarh.
2. Girdhar Sonkar S/o Dhunhu Sonkar Aged About 45 Years R/o Vill. Singhanpur Chowki Fasterupr, Tah. & Distt. Mungeli Chhattisgarh, Civil and Rev. Distt. Mungeli Chhattisgarh.

--- Petitioners

Versus

- State of Chhattisgarh Through Chowki Fasterpur, P.S. City Kotwali Mungeli Tah. & Distt. Mungeli Chhattisgarh. ---

Respondent

For the applicant	:	Mr. Santosh Bharat, Advocate
For the Respondent	:	Ms. Shobha Kashyap Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 259/2016 registered at P.S. Chowki Fasterpur, P.S. City Kotwali Mungeli (C.G) for the offence punishable under Sections 34(1)(a)2 & 59-A of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 18 bulk litres of illicit liquor was seized from the possession of the applicants.
3. Learned counsel for the applicants submits that the applicants are in jail since 23.05.2016 and the alleged seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail

application. However, she submits that according to concerned SHO, earlier no case u/s 34(2) of the Excise Act stands registered against the applicants.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 18 bulk litres; offence is triable by the JMFC and the applicants are in jail since 23.05.2016, 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 said Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**