

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4260 of 2016

- Brijlal Sinha S/o Goverdhan Sinha Aged About 28 Years R/o Narayangarh, O.P. Chichola, P.S. Churiya, Civil & Revenue District Rajnandgaon, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through O.P. Chichola, P.S. Churiya, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Rakesh Thakur, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.08.2016

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. 151/2016 registered by Police out post Chichola, P.S. Churiya District Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 08.640 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the liquor was seized from an open place and not in person from the applicant. He further submits that the applicant is in jail since 28.06.2016 and the alleged seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that earlier no case u/s 34(2) of the Excise Act was 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 only 08.640 bulk litres; offence is triable by the JMFC and the applicant is in jail since 28.06.2016, 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