

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4269 of 2016

- Meenalal Baghel S/o Shri Dharam Baghel Aged About 27 Years By Caste Satnami, R/o Village Baskanta, Thana Komakhan, Civil & Revenue District Mahasamund, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Komakhan, District Mahasamund, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Sunil Sahu, Advocate
For the Respondent	: Ms. Sunita Jain, 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. 44 of 2016 registered at P.S. Komakhan District Mahasamund (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, 81 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 no seizure was made from him in person. He further submits that the charge sheet has been filed; the applicant is in jail since 14.06.2016 and the alleged seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, he submits that earlier no offence 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 charge sheet has been filed and no further investigation is necessary; offence is triable by the JMFC and further looking to the quantity of seized liquor and the period of detention as the applicant is stated to be in jail since 14.06.2016, 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