

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4593 of 2016

1. Rajesh, S/o Pusau Aged About 25 Years R/o Patora, P.S. Than Khamaria Teh. Saja, Ditt. Bemetara Chhattisgarh.
2. Daulatram S/o Bhulau Aged About 35 Years R/o Patora, P.S. Than Khamaria Teh. Saja, Distt. Bemetara Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Chouki Dasrangpur, Arakshi Kendra Piperia, Distt. Kabirdham Chhattisgarh.

---- Respondent

For the applicants	: Mr. Ajay Ayachi, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.08.2016

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. 152/2016 registered at Police Chouki- Dasrangpur, P.S. Piperia, District Kabirdham (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, 9 bulk litres of illicit liquor was seized from the possession of the applicants.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case as no seizure was made in person from them. He further submits that the applicants are in jail since 09.07.2016 and the alleged seizure having already been made, no further

investigation is necessary, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he submits that earlier no case of similar nature u/s 34(2) of the Excise Act was 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 9 bulk litres; offence is triable by the JMFC and the applicants are in jail since 09.07.2016, this Court is inclined to release him 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 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.

Sd/-
GOUTAM BHADURI
JUDGE