

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4600 of 2016

Shekhar Nirmalkar, S/o. Guharam Nirmalkar Aged About 34 Years R/o Khujji, Tahsil & P.S. Dongergaon, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Excise Circle Dongergaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the applicant	: Mr. Rakesh Thakur, Advocate
For the Respondent	: Mr. Arvind Shukla, 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. 111/2016 registered at P.S. Excise Circle- Dongergaon, 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, 7.560 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant have been falsely implicated in this case as no seizure was made in person from them. He further submits that the applicant is in jail since 14.07.2016 and the alleged seizure having already been made, no further investigation is necessary, therefore, he 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 applicant.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 7.560 bulk litres; offence is triable by the JMFC and the applicant is in jail since 14.07.2016, 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.

CC as per rule.

Sd/-
GOUTAM BHADURI
JUDGE