

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5797 of 2016

1. Lucky Kumar Jethwani S/o Shri Ashok Kumar Jethwani, Aged About 19 Years R/o Opp. Sharda Shishu Mandir, Ward No.13, P. S. Tilda Nevra, Distt. Raipur, Chhattisgarh
2. Vishal Kumar Chablani S/o Vinod Kumar Chablani, Aged About 23 Years R/o Behind Bank Of India, Ward No.5, P.S. Tilda-Nevra, Distt. Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: P.S. Siliyari Chouki, Dist.
Raipur, Chhattisgarh

---- Respondent

For the applicants	: Ms. Arpana Singh, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.09.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.293/2016 registered at P.S. Siliyari Chowk, District Raipur (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 10.980 bulk litres of illicit liquor was seized from the possession of the applicant.
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 him. She further submits that the applicants are in jail since 17.08.2016 and the alleged seizure having 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 applicant.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 10.980 bulk litres; offence is triable by the JMFC and the applicant is in jail since 17.08.2016 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 their executing a personal bond in sum of Rs.25,000/- with one surety each of them 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