

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7045 of 2015

- Sandeep Valdey S/o Deendayal Valdey Aged About 27 Years
R/o Bidi Quarter Indira Nagar Dongergarh, P.S. & Tah. -
Dongergarh, Civil & Revenue Distt. Rajnandgaon
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through : P.S. Dongergarh, Distt.
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

15.01.2016

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. 460/2015 registered at P.S. Dongergarh, District Rajnandgaon (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 04.10.2015 on secret information received by the police that the applicant is carrying illicit liquor, the road was cordoned off but when the applicant came near he saw the police party and threw away the bag and fled away from the scene and thereafter, in the bag, 6.300 bulk litres of illicit liquor was seized.
3. Learned counsel for the applicant submits that the applicant has been falsely been implicated in this case and the arrest was made on 14.10.2015 and only on apprehension, the applicant has been arrested and the liquor which was seized was sent for test from Malkhana on 09.10.2015 whereas the

report is stated to be of 04.10.2015 wherein it was stated that the seized liquor was illicit liquor. He, therefore, submits that the applicant has been falsely implicated and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he submits that the concerned SHO has reported that the applicant has no criminal antecedents.
5. Perused the documents relating to seizure wherein prima facie it shows that the liquor was recovered from the Bag which is alleged to be thrown away and the report of liquor has been stated to be of 04.10.2015 but the charge sheet contains that the seized liquor was sent for test on 09.10.2015.
6. Taking into totality of such facts and circumstances and further considering the fact that the offence is triable by the JMFC; the charge sheet in this case has been filed; the applicant is stated to be in jail since 14.10.2015 and looking to the quantity of liquor seized from the bag i.e., 06.300 bulk litres, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and 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 trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE