

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7365 of 2015**

- Shivratan S/o Gariba Yadav Aged About 40 Years R/o Village Pathariya, Tahsil Pathariya, District Mungeli Chhattisgarh.

**----- Petitioner**

**Versus**

- State of Chhattisgarh Through Station House Officer, Excise Station Mungeli, District Mungeli Chhattisgarh.

**----- Respondent**

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| For the applicant  | : | Mr. Malay Shrivastava, Advocate |
| For the Respondent | : | Mr. Anant Bajpai, Panel Lawyer  |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**05.01.2016**

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. 437/2015 registered at P.S. Excise Circle, Mungeli, Distt. Mungeli (C.G) for the offence punishable under Section 34(1)(a), 34(2) & 59(a) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 09 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 24.11.2015 and the seizure having been made, no further investigation is necessary.
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. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 09 bulk litres; offence is triable by the JMFC and the applicant is in jail since 24.11.2015 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 is directed to appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**