

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7706 of 2015

- Aakash Nyaykhore S/o Gyanchand Nyaykhore Aged About 19 Years R/o Behind Kali Mandir, Dumartarai, Post Office- Raipur, Police Station - Mana, Raipur, Tahsil & District - Raipur Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Mana, Raipur District - Raipur Chhattisgarh

--- **Respondent**

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

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. 218 of 2015 registered at P.S. Mana, Raipur, District Raipur (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution case, in brief, is that when a raid was conducted on 15.12.2015, 05.940 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 15.12.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, she submits that the concerned SHO has reported that the applicant has no past antecedents.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is

05.940 bulk litres; offence is triable by the JMFC and the applicant is in jail since 15.12.2015, 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**