

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6164 of 2016

1. Rakesh Kumar Bodlekar S/o Ganeshuram Aged About 25 Years R/o Village- Medha, Police Station & Tahsil Dongergarh, Civil & Revenue District- Rajnandgaon, Chhattisgarh.
2. Mahendra Dewangan S/o Gopilal Aged About 32 Years R/o Village Murmuda, Police Station & Tahsil- Dongergarh, Civil & Revenue District- Rajnandgaon, Chhattisgarh. **--- Applicants**

Versus

- State of Chhattisgarh Through Police Station Dongergaon District- Rajnandgaon, Chhattisgarh. **--- Respondent**

For the applicant	: Mr. Rakesh Thakur, Advocate
For the Respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.10.2016

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. 244/2016 registered at P.S. Dongergaon District Rajnandgaon (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, 09 bulk litres of illicit liquor was seized from the joint possession of the applicants.
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 them. He further submits that the applicants are in jail since 08.09.2016 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 applicants.

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 applicants are in jail since 08.09.2016 this Court is inclined to release them on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each 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