

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6818 of 2016

- Sundar Binjhiya S/o Late Devsay, Aged About 30 Years R/o Village Salka, Police Station & Tahsil Udaypur (Udaypur), District Surguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Excise Circle Lakhanpur, District Surguja, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Sunil Tripathi, Advocate
For the Respondent	: Mr.Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.11.2016

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. 55 of 2016 registered at P.S. Excise Circle, Lakhanpur, Distt. Surguja (C.G) for the offence punishable under Sections 34(1)(A) and 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 5.200 bulk litres of illegal liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as no seizure was made in person from him. He further submits that the applicant is in jail since 25.09.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However, he is not able to show that earlier any

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 only 5.200 bulk litres; offence is triable by the JMFC and the applicant is in jail since 25.09.2016 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 shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE