

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7280 of 2016

1. Anil Uraon S/o Gajadhar Uraon, Aged About 38 Years Caste Uraon, Occupation Agriculture, R/o Chhoteregda, Uraonpara, P.S. Chakradhar Nagar, Raigarh, Tahsil & District Raigarh, Chhattisgarh.
2. Suklal Uraon, S/o Babulal Uraon, Aged About 45 Years Caste Uraon, Occupation Agriculture, Both R/o Chhoteregda, Uraonpara, P.S. Chakradhar Nagar, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For the applicants	: Mr. Manoj Jaiswal, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.11.2016

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.323/2016 registered at P.S. Chakradhar Nagar, Raigarh Distt. Raigarh (C.G) for the offence punishable under Sections 34(1)(a)(2), 59(A) of C.G. Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 15 bulk litres of illegal country made liquor was seized from the joint possession of the applicants.
3. Learned counsel for the applicant 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 30.09.2016 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, she is not able to show that earlier any 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 only 15 bulk litres; offence is triable by the JMFC and the applicant are in jail since 30.09.2016 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