

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 131 of 2016

- Pyare Mohan S/o Basant Dhimar Aged About 30 Years R/o Shivpara, Durg, P.S. City Kotwali, District Durg Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Excise Department Durg City West, District Durg Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Shiv Kumar Guha, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

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. 194 of 2015 registered at P.S. Excise Department Durg City (West) (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 27 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that no recovery has been made from the exclusive possession of the applicant and he has been falsely implicated in this case. He further submits that the applicant is in jail since 21.09.2015 and prays for releasing him on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 27 bulk litres; offence is triable by the JMFC and the applicant is in jail since 21.09.2015 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