

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 57 of 2016

- Pawan Sharthi S/o Shri Lawan Sharthi Aged About 32 Years
R/o Harnabandha District Durg, Civil And Rev. District Durg
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through District Magistrate District
Durg Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vijay Sahu, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.01.2016

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 Office Durg City West District Durg (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 21.09.2015, 27 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 21.09.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, he/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

21 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

Rao