

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 46 of 2016

- Ramesh Gupta S/o Late Parasram Gupta Aged About 50 Years R/o Village Jalbandha, Out Post Jalbandha, Tahsil Khairagarh, Distt. Rajnandgaon, Chhattisgarh.

--- Petitioner

Versus

- State of Chhattisgarh through the Out-Post Jalbandha, Police Station Khairagarh, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Rakesh Pandey, Advocate
For the Respondent	:	Ms. Sunita Pandey, 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. 445 of 2015 registered at P.S. Outpost Jalbandha, P.S. Khairagarh, District Rajnandgaon (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 14.580 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 22.12.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, 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 14.580 bulk litres; offence is triable by the JMFC and the applicant is in jail since 22.12.2015, 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 shall appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE