

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 67 of 2016**

- Devprasad Kaushik S/o Shri Narendra Kaushik Aged About 30 Years R/o Village Bawli, Thana Pathariya, Tahsil Mungeli, Rev. Distt. Mungeli, Civil Distt. Bilaspur, Chhattisgarh. **Petitioner**

**Versus**

- State of Chhattisgarh Through The Station House Officer Pathariya, Distt. Mungeli, Chhattisgarh. **--- Respondent**

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

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**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.399 of 2015 registered at P.S. Pathariya, District Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2), 59(A) of the Chhattisgarh Excise Act.
2. The prosecution case, in brief, is that when a raid was conducted on 26.12.2015, about 18 bulk litres of illicit liquor and cash of Rs.600/- was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant is in jail since 26.12.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application. However, he 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

more or less 18 bulk litres; offence is triable by the JMFC and the applicant is in jail since 26.12.2015, 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 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**