

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 61 of 2016

1. Amit Kumar S/o Hari Jaiswal Aged About 23 Years (As Per Charge Sheet), R/o Bhathgaon Chowki Jewra Sirsa District Durg, Civil And Rev. Distt. Durg Chhattisgarh.
2. Dhanji Gupta S/o Late Shri Shidhnath Aged About 25 Years (As Per Charge Sheet), R/o Anjora Chowk Chhawni Bhilai, District Durg Chhattisgarh.
3. Durga Gupta S/o Anait Gupta Aged About 36 Years R/o Anjora Chowk Chhawni Bhilai, District Durg Chhattisgarh.

--- **Petitioners**

Versus

- State of Chhattisgarh through S.H.O. Police Station Anda, District Durg Chhattisgarh.

--- **Respondent**

For the applicant	:	Mr. Vijay sahu, Advocate
For the Respondent	:	Ms. Ashutosh Sahu, 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. 176 of 2015 registered at P.S. Anda, 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, 9 bulk litres of illicit liquor was seized from the possession of A-1 Amit Kumar. Similarly from the possession of A-2 Dhanji Gupta 7.200 bulk litres and from Durga Gupta 8.820 bulk litres were recovered.
3. Learned counsel for the applicant submits that the applicants have been falsely implicated in this case and they are in jail since 24.11.2015. He further submits that the alleged 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 applicants have no past antecedents.
5. Taking into consideration the totality of the circumstances; offence is triable by the JMFC; the applicants are in jail since 24.11.2015 and looking to the quantity of liquor seized from the applicants, 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 for their appearance before the said Court as and when directed.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE