

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 79 of 2016

- Lalit Kumar S/o Milakram Aged About 35 Years R/o Village Bansulidih, Police Station Saraipali, Civil & Revenue District Mahasamund Chhattisgarh -- **Petitioner**

Versus

- State of Chhattisgarh Through : Excise Circle, Saraipali, Police Station Saraipali, District Mahasamund Chhattisgarh

---- Respondent

For the applicant	:	Mr. Yougeshwar Sharma, Advocate
For the Respondent	:	Ms. Sunita Jain, 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. 195/2015 registered at P.S. Excise Circle, Saraipali District Mahasamund (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 5.500 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 21.12.2015 and the seizure having been made, no further investigation is necessary.
4. Per contra, learned State Counsel opposes the bail application and submits that one case u/s 34(2) of the Excise Act was registered vide Crime No.216/2015 wherein the quantity of liquor seized was about 5.500 litres.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is 5.500 bulk litres; offence is triable by the JMFC and the applicant is in jail since 21.12.2015 as also considering the fact that in earlier crime, the seized quantity of liquor was 5.500 litres, 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