

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 97 of 2016

1. Pateshwar S/o Deenanath Aged About 31 Years R/o Village Basin, Chowki Jevra Sirsa, P.S. Pulgaon, Tahsil & Distt. Durg, Chhattisgarh.
2. Roman Lal S/o Raj Kumar Sonwani Aged About 32 Years R/o Village Birebhat, P.S. Nandani, Distt. Durg, Chhattisgarh.

---- Petitioners

Versus

- State of Chhattisgarh Through, The District Magistrate, Durg, Distt. Durg, Chhattisgarh.

---- Respondent

For the applicants	:	Mr. Mohd. Tariq Haider, Advocate
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 639 of 2015 registered at P.S. Chowki Jevra, Sirsa P.S. Pulgaon, Distt. 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 8.640 bulk litres of illicit liquor was seized from the possession of the applicants.
3. Learned counsel for the applicants submits that the applicants are in jail since 17.12.2015 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 applicants have 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 8.640 bulk litres; offence is triable by the JMFC and the applicants are in jail since 17.12.2015, 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. They shall appear before the trial Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE