

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2507 of 2016**

Rajkumar Sahu, S/o. Leelaram Sahu, Aged About 35 Years, R/o. Banspara, Behind Durg Roadways, P.S. City Kotwali, Durg, Tehsil & District Durg, Civil & Revenue District – Durg, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through : District Magistrate, District Durg, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**20/06/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.12/2016 registered at Police Station- Durg, District Durg (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that on 15.01.2016 from the possession of the applicant who was traveling in the Indica Car alongwith two other co-accused, total 87.12 bulk liters of illicit liquor were seized.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 05.01.2016; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, she would submit that as per the information received

from the concerned SHO, the applicant has no previous antecedents of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 87.12 bulk liters, offence is triable by the JMFC and the applicant is in jail since 05.01.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-  
**(Goutam Bhaduri)**  
Judge