

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2596 of 2016

- Baljinder Singh S/o Lakhvir Singh Aged About 21 Years R/o Talpuri Bhilai, Police Station Bhilai Nagar, Tahsil & District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Poice Station Khopra, District Raipur, Chhattisgar. --- **Respondent**

For the applicant	:	Mr. C.K. Sahu, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.06.2016

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. 86 of 2016 registered at P.S. Kharora, Distt. Raipur (C.G) for the Offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 86.400 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 19.03.2016 and the alleged seizure having been made from joint possession, no further investigation is necessary. He further submits that the charge sheet in this case has been filed and similarly placed co-accused Santkumar has been granted bail by this Court in M.Cr.C.No.2879 of 2016 on 15.06.2016, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to substantiate the fact as to whether the applicant was involved in similar type of offence under the Excise Act.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 86.400 bulk litres from the alleged joint possession; offence is triable by the JMFC; the applicant is in jail since 19.03.2016 and further looking to the fact that similarly placed co-accused Santkumar has been granted bail by this Court in M.Cr.C.No.2879/2016 on 15.06.2016 this Court is inclined to release the present applicant 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 shall also appear before the said Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE