

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4308 of 2016

- Shahbali S/o Birbal Aged About 60 Years R/o Store Para,
Puraina, Bhilai, Tahsil & District Durg Chhattisgarh---
Petitioner

Versus

- State of Chhattisgarh Through the District Magistrate Durg,
through Station House Officer, Bhilai - 3, Tahsil & District
Durg Chhattisgarh
--- Respondent

For the applicant	: Mr. Tariq Haider, Advocate
For the Respondent	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.08.2016

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. 325 of 2016 registered at P.S. Bhilai-3, District Durg (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, 5.400 bulk litres of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as no seizure was made in person from him. He further submits that the applicant is in jail since 28.06.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However, he/she submits that earlier no case

u/s 34(2) of the Excise Act stands registered against the applicant.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 5.400 bulk litres; offence is triable by the JMFC; the applicant is in jail since 28.06.2016 and further looking to the age of the applicant, 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 shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE