

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7084 of 2015

1. Dileshwar S/o Narendra Das Manikpuri Aged About 21 Years
R/o Killapara, Ward No. 23, Dongargaon, Tahsil and P.S.
Dongargaon, District Rajnandgaon Chhattisgarh.
2. Deepak Kumar S/o Munna Yadav Aged About 24 Years R/o
Killapara, Ward No. 23, Dongargaon, Tahsil and P.S.
Dongargaon, District Rajnandgaon Chhattisgarh.

--- **Petitioners**

Versus

- State of Chhattisgarh through Station House Officer, Police
Station - Gaindatola, District Rajnandgaon Chhattisgarh.

--- **Respondent**

For the applicants	:	Mr. Abhishek Sharma, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

1. The applicants have filed this joint application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to them in connection with Crime No. 64/2015 registered at P.S. Gaindatola, District Rajnandgaon (C.G) for the offence punishable under Section 34(2) of C.G. the Excise Act.
2. So far as Applicant No.1 Dileshwar is concerned, learned counsel prays for withdrawal of his bail application with liberty to renew the prayer after examination of the seizure witness.
3. Accordingly, application of Applicant No.1 is dismissed as withdrawn with the aforesaid liberty.
4. The prosecution case, in brief, is that when a raid was conducted 18 bulk litres of illicit liquor was seized from the possession of the applicants.

5. Learned counsel for Applicant No.2 Deepak Kumar submits that he is in jail since 04.10.2015 and the seizure having been made, no further investigation is necessary.
6. Per contra, learned State Counsel opposes the bail application. However, he submits that the concerned SHO has reported that applicant No.2 has past antecedents.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 18 bulk litres; offence is triable by the JMFC and the applicant No.2 is in jail since 04.10.2015, this Court is inclined to release him on bail.
8. Accordingly, application of Applicant No.2 Deepak Kumar is allowed and he 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. Applicant No.2 shall also appear before the trial Court as and when directed by the said Court.
9. In the result, application of applicant No.1 is dismissed as withdrawn and application of applicant No.2 is allowed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE