NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5505 of 2016

1. Gopal Dubey S/o Janardan Dubey Aged About 25 Years Caste Brahman, R/o Village Barpali, P.S. Urga, Tahsil Kartala, District Korba Chhattisgarh

2. Krishna Yadav S/o Parmeshwar Aged About 22 Years Caste Yadav, R/o Village Barpali, P.S. Urga, Tahsil Kartala, District Korba Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through : The District Magistrate (Excise Circle Korba), District Korba Chhattisgarh

---- Respondent

For the applicants : Mr. Basant Kaiwartya, Advocate
For the Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

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. 176/2016 registered at P.S. Urga, District Korba (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, 27 bulk litres of illicit liquor was seized from the possession of the applicants.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case as no seizure was made in person from them. He further submits that the applicants are in jail since 19.08.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he/she submits that earlier no case of similar nature u/s 34(2) of the Excise Act was registered against the applicants.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 27 bulk litres; offence is triable by the JMFC and the applicants are in jail since 19.08.2016 this Court is inclined to release him on bail. Accordingly, this application is allowed.

6. The applicants are directed to be released on bail on their 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 also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

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