

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5647 of 2016

- Nohar S/o Mayaram Satnami Aged About 55 Years R/o Village Karhul, P.S. Simga, District Balodabazar- Bhatapara Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh S/o through the Excise Circle Simga, District Balodabazar- Bhatapara Chhattisgarh.

---- Respondent

For the applicant	: Mr. Nirupama Bajpai, Advocate
For the Respondent	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.09.2016

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. 114 of 2016 registered at P.S. Excise Circle Simga, District Baloda Bazar- Bhatapara (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, 9 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 and no seizure was made in person from him and it was only from the house which was in joint possession of others. She further submits that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 27.8.2016, therefore he may be enlarged on bail. 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.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 9 bulk litres; offence is triable by the JMFC and the applicant is in jail since 27.08.2016 as also the fact that the charge sheet has been filed, 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