

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5739 of 2016

- Mohit S/o Shri Tijlal Satnami Aged About 26 Years R/o Village Chorha Navagaon, Police Station Simga, District Baloda Bazar Bhatapara (Chhattisgarh).
--- Applicant

Versus

- State of Chhattisgarh S/o Through Excise Circle Simga, District Baloda Bazar Bhatapara Chhattisgarh.
--- Respondent

For the applicant : Mr. C. R. Sahu, Advocate.
For the State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.09.2016

1. This is an application filed u/s 439 of Cr.P.C., for grant of bail to the applicant in connection with Crime No. 144 of 2016 registered at Police Station Excise Circle Simga, Distt. Baloda Bazar, Bhatapara (C.G) for the offences punishable u/s 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 09 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 26.08.2016 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.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 09 bulk litres; offence is triable by the JMFC and the applicant is in jail since 26.08.2016 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**

Rao