

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5988 of 2016

1. Lakeshwar Prasad S/o Shri Fakir Chand Sarathi Aged About 28 Years R/o Village Badadarha, Police Station Dabhra, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh.
 2. Rajkumar Sarathi S/o Shri Samaru Sarthi Aged About 29 Years R/o Village Pandaripani, Police Station Bhupdevpur, Tahsil & District Raigarh, Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh through Officer in Charge of Police Station Bhupdevpur, District Raigarh, Chhattisgarh.
- Respondent**

For the applicant	: Mr. Abhishek Saraf, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.10.2016

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. 110 of 2016 registered at P.S. Bhupdevpur, District Raigarh (C.G) for the offence punishable under Sections 34(2), 59(1)(A)/34 of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 17.820 bulk litres of illicit liquor was seized from the joint 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 25.08.2016 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 submits that earlier no case of similar nature u/s 34(2) of the Excise Act was 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 17.820 bulk litres; offence is triable by the JMFC and the applicants are in jail since 25.08.2016 this Court is inclined to release them on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them 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