

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6229 of 2016

1. Jitendra Kumar S/o Bagesh Pashwan Aged About 22 Years (Wrongly Mentioned As Aagesh Paswan) R/o Braghai, Police Station- Goh, District Aurangabad (Bihar) Presently R/o Dhamdha, Police Station Dhamdha, Tehsil & District Durg Civil & Revenue District- Durg , Chhattisgarh.
2. Bhalu Singh S/o Umesh Singh Rajput Aged About 31 Years R/o Dihwa Police Station- Rafiganj District Aurangabad Bihar Presently R/o Deshi Sharab Dukan Nandini Khundni Police Station Nandini Nagar District Durg, Chhattisgarh. **--- Applicants**

Versus

- State of Chhattisgarh through S.H.O. Nandini Nagar, District Durg, Chhattisgarh. **--- Respondent**

For the applicants	: Mr. Avinash Chand Sahu, Advocate
For the Respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.10.2016

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. 209/2016 registered at P.S. Nandini Nagar, Distt. Durg (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 15 bulk litres of illicit liquor was seized from the possession of the applicants.
3. Learned counsel for the applicant 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 05.08.2016 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 do not dispute the fact that earlier no similar case u/s 34(2) of the C.G. Excise Act was registered against him.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 15 bulk litres; offence is triable by the JMFC and the applicants are in jail since 05.08.2016, 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