

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6356 of 2016

1. Surendra Rajput S/o Hari Singh Rajput Aged About 24 Years R/o Shankar Nagar, Jagriti Chowk, Chawani, Police Station - Jamul, District Durg, Chhattisgarh
 2. Akash Soni S/o Annantram Soni Aged About 22 Years R/o Youa Ankush Chowk, Chawani, Police Station - Jamul, District - Durg Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh Through Police Station - Excise Circle Bhilai No. 02, District - Durg, Chhattisgarh
- Respondent**

For the applicants	:	Mr. Jitendra Gupta, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 199 of 2016 registered at P.S. Excise Circle, Bhilai No.2, Distt. Durg (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 21.8.2016, 18 bulk litres of illicit liquor was seized from the joint possession of the applicants.
3. Learned counsel for the applicants would submit 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 21.08.2016 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 and submits that against applicant No.1 Surendra Rajput, earlier two cases under the Excise Act vide Crime No.293/2015 and 89/2015 one u/s 34(A) and another u/s 34(2) were registered against him. However, against applicant No.2, earlier no similar case u/s 34(2) was registered against him.
5. Looking to the past antecedents of applicant No.1 Surendra Rajput, his bail application is rejected.
6. So far as applicant no.2 Akash Soni is concerned, earlier no case u/s 34(2) of the Excise Act is reported against him. Therefore, with respect to applicant No.2 taking into consideration the fact that the quantity of seized liquor in this case is 18 bulk litres; offence is triable by the JMFC and the applicant is in jail since 21.08.2016, this Court is inclined to release him on bail.
7. Accordingly, applicant No.2 Ashok Soni 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