

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6675 of 2016

Nirmal Kumar Banchor, S/o. Ram Kumar Banchor, Aged About 19 Years,
R/o. Bailed Fire Hostel, Tata Line, Camp 2, Police Station Chavni, Bhilai,
District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-
Mandirahasaud, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Siddharth Rathod, Advocate

For Respondent : Mr. U.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.158/2016 registered at Police Station- Mandirahasaud, Raipur, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the police, 51.840 bulk liters of illicit liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as no seizure was made in person from him. He further submits that the applicant is in jail since 19.06.2016 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 prayer for grant of bail, however, he would submit that earlier no case of similar nature under Section 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 is 51.840 bulk liters, offence is triable by the JMFC and the applicant is in jail since 19.09.2016, this Court is inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court/ remand Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge