

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6816 of 2016

1. Tarun Chandrakar S/o Manaklal Chandrakar Aged About 26 Years
R/o Village - Bemcha, Thana & Tahsil & District Mahasamund
Chhattisgarh
 2. Komal Alias Pintu Kahar S/o Heeralal Aged About 22 Years R/o
Village - Bemcha, Thana & Tahsil & District Mahasamund
Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station -
Tumgaon, District - Mahasamund Chhattisgarh
- Respondent**

For the applicant	: Mr. Vikash Pradhan, Advocate
For the Respondent	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.11.2016

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. 160 of 2016 registered at P.S. Tumgaon, District Mahasamund (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 54 bulk litres of illicit liquor was seized from the joint 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 11.10.2016 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 is not able to show that earlier any 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 54 bulk litres which was alleged to be recovered from the joint possession of the applicants; offence is triable by the JMFC and the applicants are in jail since 11.10.2016 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