

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6994 of 2016

1. Madhav Wadhvani S/o Late Tikam Chand Sindhi, Aged About 38 Years R/o Rawatpura Colony, Purani Basti, Raipur, Chhattisgarh.
2. Golu Yadav S/o Prahalad Yadav, Aged About 23 Years R/o Village Bhatagaon, Raipur, Chhattisgarh. 8871069419 --- **Applicants**

Versus

- State of Chhattisgarh Through Excise Sub Inspector, Excise Circle, Civil Line Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicants	: Mr. Pushpendra Kumar Patel, Advocate
For the Respondent	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.11.2016

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. 438/2016 registered at P.S.Excise Circle Civil Line, Raipur, Distt. Raipur (C.G) for the offence punishable under Sections 34(1)(A)(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 17.280 bulk litres of illegal 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 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 applicants.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 17.280 bulk litres; 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