

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7591 of 2016

1. Mahendra Kumar S/o Ashwani Aged About 26 Years R/o Village Bijatarai, Outpost Fastarpur, Police Station Mungeli, District Mungeli Chhattisgarh
2. Ajay Yadav S/o Raghunandan Aged About 46 Years R/o Village Karma, Police Station Baarun, District Aurangabad (Bihar)
3. Vinod Goswami S/o Chainpuri Aged About 38 Years R/o Village Banki, Police Station Mungeli Tahsil & District Mungeli Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through : Police Station City Kotwali, Mungeli (Via Outpost Fastarpur), District Mungeli Chhattisgarh

---- Respondent

For the applicants	: Mr. Mahendra Dubey, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.11.2016

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. 573/2016 registered at P.S.City Kotwali, Mungeli, Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2) & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, above 60 bulk litres of illegal 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 08.11.2016 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 60 bulk litres; offence is triable by the JMFC and the applicants are in jail since 08.11.2016 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