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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7914 of 2016

1. Bhaskar Dewar . S/o Premlal Dewar Aged About 30 Years R/o Near R.T.O. Office, Dewar Dera, Rawanbhata, Post Office Raipur, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh.

2. Kohinoor Dewar S/o Premlal Dewar Aged About 19 Years R/o Near R.T.O. Office, Dewar Dera, Rawanbhata, Post Office Raipur, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh. **- Applicants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh. **--- Respondent**

For the applicants : Mr. Shivendu Pandya, Advocate
For the Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

13.12.2016

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. 71/2016 registered at P.S. Khamtarai, Raipur, Distt. Raipur (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that when a raid/inspection was conducted by the Police, 8.640 bulk litres of illicit liquor was seized from the possession of the applicant no.1 and 7.920 bulk litres from applicant No.2.

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 14.02.2016 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 dispute the fact 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 facts and circumstances of the case especially the fact that the charge sheet has been filed, offence is triable by the JMFC and the applicants are in jail since 14.02.2016 and further looking to the quantity of liquor so recovered from the applicants, 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

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