

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7963 of 2016

- Prem Kumar Nishad S/o Shri Punit Ram, Aged About 28 Years R/o Village Limtara, Police Station Simga, Revenue And Civil District Baloda Bazar Bhatapara Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Simga (Wrongly Mentioned As Police Station Palari In Bail Rejection Order) Revenue And Civil District Baloda Bazar Bhatapara Chhattisgarh --- **Respondent**

For the applicant	: Mr. A. P. Sharma, Advocate
For the Respondent	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

15.12.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 324/2016 registered at P.S. Simga, Distt. Baloda Bazar-Bhatapara (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, 8.100 bulk litres (45 quarters) of country made liquor was seized from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as no seizure was made in person from him. He further submits that the applicant is in jail since 08.11.2016 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 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 applicant.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 8.100 bulk litres; offence is triable by the JMFC and the applicant is in jail since 08.11.2016 this Court is inclined to release him on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE