

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8158 of 2016

1. Golu @ Chandrashekhar S/o Chanda Jadhav Aged About 21 Years R/o Motibagh Nowa Com. Police Station Panch Pawali Revenue And Civil District Nagpur (M.H.)
2. Jagan Singh S/o Ram Chandra Singh Aged About 24 Years R/o. 12 Kholi Bilaspur Police Station Tarbahar Tahsil Bilaspur Civil And Revenue District Bilaspur Chhattisgarh

--- Applicants

Versus

- State of Chhattisgarh through the Police Station Chakarbhata, District Bilaspur Chhattisgarh

--- Respondent

For the applicants	: Mr. Pravin Tulsyan, Advocate
For the Respondent	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

21.12.2016

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. 396/2016 registered at P.S. Chakarbhata, Distt. Bilaspur (C.G) for the offence punishable under Sections 34(2) & 59(a) of the Chhattisgarh Excise Act.
2. So far as applicant no.2 is concerned, learned counsel for the applicants prays for withdrawal of the bail application of applicant No.2 Jagan Singh with liberty to repeat the same after examination of the seizure witnesses.
3. Accordingly, the bail application of applicant No.2 is dismissed as withdrawn with liberty to repeat the same after examination of the seizure witnesses.
4. So far as it relates to applicant No.1 Golu @ Chandrashekhar, the prosecution alleges that when a raid/inspection was

conducted by the Police, 99 bulk litres of country liquor was seized from the possession of the applicant and other accused.

5. Learned counsel for applicant No.1 submits that he 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 01.11.2016 and the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.
6. 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 applicant No.1.
7. Taking into consideration the totality of the circumstances especially the fact that no past antecedents have been reported against applicant no.1; offence is triable by the JMFC and he is in jail since 01.11.2016 this Court is inclined to release him on bail.
8. Accordingly, the bail application of applicant No.1 Golu @ Chandrashekhar is allowed and he 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**