

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 387 of 2017**

- Birendra Kumar Komre S/o Kumar Say Komre, Aged About 24 Years  
R/o Edmagondi, Police Station Chilhati, District Rajnandgaon,  
Chhattisgarh. --- **Applicant**

**Versus**

- State of Chhattisgarh through the Police Station Chillati (Chilhati)  
District Rajnandgaon, Chhattisgarh. --- **Respondent**

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| For the applicant  | : Mr. Shaleen Singh Baghel, Advocate |
| For the Respondent | : Ms. Sunita Jain, Panel Lawyer      |

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**Hon'ble Shri Justice GOUTAM BHADURI**

**Order on Board**

**01.02.2017**

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. 3/2017 registered at P.S. Chilhati, Distt. Rajnandgaon (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 bulk litres of 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 02.01.2017 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, she is unable to dispute the fact that

earlier any case of similar nature u/s 34(2) of the C.G. Excise Act was registered against him.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 8 bulk litres; offence is triable by the JMFC and the applicant is in jail since 02.01.2017 this Court is inclined to release him on bail.
6. Accordingly, this application is allowed and 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**