

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 548 of 2017

- Arsad Khan S/o Eliyash Khan, Aged About 19 Years R/o Jangal Para, Nagri, District- Dhamtari Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through- Police Station- Farasgaon, District- Kondagaon Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Malay Kumar Bhaduri, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

06.02.2017

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. 82/2016 registered at Police Station Farasgaon, Distt. Kondagaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 24.09.2016, from the possession of the applicant 93.60 bulk litres of illicit liquor was seized.
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 24.09.2016 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 report 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 offence is triable by the JMFC; the applicant is in jail since 24.09.2016 and since no past antecedents are reported against the applicant, 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

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