

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 558 of 2017

- Janak Mahdeva @ Janku S/o Bhagirathi Aged About 45 Years R/o Village Lidri, Police Station Takhatpur, District Bilaspur, Chhattisgarh.
---- **Applicant**

Versus

- State of Chhattisgarh through S.H.O, Takhatpur, District Bilaspur, Chhattisgarh.
--- **Respondent**

For the applicant	: Mr. Ravindra Sharma, Advocate
For the Respondent	: Ms. Sunita Jain, 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. 17/2017 registered at P.S. Takhatpur, District Bilaspur (C.G) for the offence punishable under Sections 34(1)(a)(2) and 59(a) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 8 bulk litres of illicit 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 08.1.2017 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 submits that there was no case of like nature committed within the short proximity of time as

the recovery was made from the present applicant after almost 11 months from the earlier date of incident.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 8 bulk litres; offence is triable by the JMFC and the applicant is in jail since 08.01.2017, this Court is inclined to release him on bail.
6. Accordingly, the bail 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 for his appearance before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE