

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 737 of 2017

- Manoj Kumar S/o Chaitanya Kumar Samal, Aged About 19 Years R/o Village- Baratha, Thana & Tahsil- Mahanga, Civil & Revenue District Cuttack, Orissa, At Present Residence Of Daupara Mungeli, Thana & Tahsil- Mungeli, District Mungeli, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Excise Officer, Excise Circle- Mungeli, District- Mungeli Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Sumit Shrivastava, Advocate
For the Respondent	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

13.02.2017

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. 586/2016 registered at Police Station Excise Circle Mungeli, Distt. Mungeli (C.G) for the offence punishable under Sections 34(1)(A), 34(2) & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 15.01.2017 from the possession of the applicant 8.100 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 15.01.2017 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, he is not able 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 8.100 bulk litres; offence is triable by the JMFC and the applicant is in jail since 15.01.2017 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

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