

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1070 of 2017**

- Rajesh Santwani S/o Late Dipchand Santwani, Aged About 43 Years  
R/o Qtr. No. 31, 32, Kashiram Nagar, Police Station Telibandha,  
Raipur Tahsil & District Raipur Chhattisgrh --- **Applicant**

**Versus**

- State of Chhattisgarh through the Police Station Telibandha, District  
Raipur Chhattisgarh --- **Respondent**

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| For the applicant  | : Mr. Gaurav Saxena, Advocate      |
| For the Respondent | : Mr. U.K.S. Chandel, Panel Lawyer |

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**Hon'ble Shri Justice GOUTAM BHADURI**

**Order on Board**

**02.03.2017**

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. 45 of 2017 registered at Police Station Telibandha, Distt. Raipur (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 31.1.2017, from the possession of the applicant 6.300 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 31.1.2017 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, 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 6.300 bulk litres; offence is triable by the JMFC and the applicant is in jail since 31.01.2017 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**

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