

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1215 of 2017

- Mohan Satnami S/o Late Dasru Satnami Aged About 40 Years
R/o Village Otebandh (Bhatapara), Police Station Nandini ,
District Durg, Chhattisgarh. --- Applicant

Versus

- State of Chhattisgarh through District Magistrate District
Durg, Chhattisgarh. --- Respondent

For the applicant	: Mr. Vijay Sahu, Advocate
For the Respondent	: Mr. N.K. Mehta, Dy. Govt. Advocate

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

07.03.2017

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. 38 of 2017 registered at Police Station Nandini Nagar, Distt. Durg (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that on 22.12.2016 the police received a secret information and raided a place where 16.200 bulk litres of illicit liquor was recovered and during investigation, the applicant has been taken into custody on 31.01.2017.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no seizure was made in person from him and the recovery was made at an open place. He further submits that merely on suspicion, the applicant has been arrested and he is in jail since 31.01.2017, 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 the nature of recovery and further considering the totality of the circumstances of the case, particularly the fact that the quantity of seized liquor in this case is only 16.200 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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