

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1622 of 2017

- Kishore Sen S/o Shri Netram Sen, Aged About 23 Years R/o Rajiev Nagar, Mohba Bazar, Police Station Sarasswati Nagar, Tahsil & District Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Sarasswati Nagar, District Raipur, Chhattisgarh. --- **Respondent**

For the applicants	: Ms. Arpana Singh, Advocate
For the Respondent	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

23.03.2017

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. 24 of 2017 registered at P.S. Saraswati Nagar, Tahsil & Distt. Raipur (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police from the possession of the applicant 8.640 bulk litres of illicit liquor was seized.
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. She further submits that the applicant is in jail since 14.02.2017 and the alleged seizure having been made, no further investigation is necessary, therefore, she may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However, she 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 8.640 bulk litres; offence is triable by the JMFC and the applicant is in jail since 14.02.2017 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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