

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3527 of 2017

- Deepak Bharti S/o Harish Bharti, Aged About 19 Years R/o Near Pratibha Chouhan Building, Kelabadi, Durg, District- Durg, Chhattisgarh. **--- Appellant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Pulgaon, District- Durg, Chhattisgarh. **--- Respondent**

For the applicant	: Mr. S. K. Guha, Advocate
For the Respondent	: Mr. Adil Minhaj, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

14.06.2017

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. 75 of 2017 registered at P.S. Pulgaon, Distt. Durg (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 08.02.2017, from the possession of the applicant 5.940 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. He further submits that the applicant is in jail since 08.02.2017 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 submits that no past antecedents of similar nature of offence u/s 34(2) of the C.G. Excise Act are reported against the applicant.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is only 5.940 bulk litres; offence is triable by the JMFC and the applicant is in jail since 08.02.2017, 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. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
V. JUDGE**

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