

# HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3988 of 2017

- Manoj Nayak S/o Shri Paras Nayak Aged About 30 Years R/o Village-Dhank, Thana- Patewa, Tahsil- Mahasamund, Civil & Revenue District- Mahasamund, Chhattisgarh. --- **Applicant**

**Versus**

- State of Chhattisgarh through the Station House Officer Police Station- Patewa, Civil & Revenue District- Mahasamund, Chhattisgarh. --- **Respondent**

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| For the applicant  | : | Mr. Sunil Sahu, Advocate      |
| For the Respondent | : | Mr. Vinod Tekam, Panel Lawyer |

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Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

14.06.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.17/2017 registered at Police Station Patewa, Distt. Mahasamund (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 30.01.2017, from the possession of the applicant 20.160 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 10.05.2017 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 recorded 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 20.160 bulk litres; offence is triable by the JMFC and the applicant is in jail since 10.5.2017 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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