

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8428 of 2016

- Bhagi Ram S/o Bali Ram Aged About 40 Years Caste Lohar, R/o Village Talwartola, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the Excise Department Rajnandgaon District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Shaleen Singh Baghel, Advocate
For the Respondent	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

04.01.2017

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. 287/2016 registered at P.S. Excise Circle Ghumka, Rajnandgaon, Distt. Rajnandgaon (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.
2. The prosecution alleges that when a raid/inspection was conducted by the Police on 07.12.2016, from the possession of the applicant 12.600 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 07.12.2016 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.
5. Taking into consideration the totality of the circumstances

and the fact that the quantity of seized liquor in this case is only 12.600 bulk litres; offence is triable by the JMFC and the applicant is in jail since 07.12.2016 this Court is inclined to release him on bail. Accordingly, this application is allowed.

6. 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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