

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7894 of 2017**

James Farnadis S/o Rajesh Farnadis, Aged About 48 Years R/o Zone 01, Sadak 16, Charoda Jhopdi, Police Station G. R. P. Charoda, District Durg Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh

**---- Respondent**

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For the applicant : Mr. Sourabh Shukla, Advocate

For Respondent : Mr. R.N. Pusty, Govt. Advocate

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**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order On Board**

**23/12/2017**

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. 163/2017 registered at P.S. Excise Circle Bhilai-4 District Durg (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police, 7.56 bulk litres of illicit liquor was seized from the possession of the applicant.
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 04-11-2017 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 earlier no case of similar nature u/s 34(2) of the Excise Act was registered 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 7.56 bulk litres; offence is triable by the JMFC and the applicant is in jail since 04-11-2017 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.20,000/- 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. today.

**Sd/-**  
**(Ram Prasanna Sharma)**  
Winter Holiday Judge

Santosh