

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2908 of 2015**

Sher Singh Devar, aged about 45 years, S/o Shri Nagina Devar, Resident of Vill.-Bijabhata, Police Station and Tah. - Dongargarh, Civiland Revenue District-Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through Dist. Magistrate, Rajnandgaon (CG)

---- Non-applicant

For Applicant: Shri PKC Tiwari, Senior Advocate assisted by Shri Shashibhushan, Advocate.

For Non-Applicant Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**06/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.82/2015 registered at Police Station – Dongargaon, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of the CG Excise Act.

(2) Case of the prosecution, in brief, is that 54 bulk liters of illicit liquor was seized from the possession of the present applicant and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as no liquor has been seized from the possession of the present applicant. He would further submit that applicant is in jail since 01.04.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Considering the totality of the facts, in particular, the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915; and looking to huge quantity of liquor; I am not inclined to release the applicant on bail. Thus, the bail application is rejected. However, the trial Court is directed to conclude the trial as early as possible preferably within a period of three months from the date of receipt of copy of this order.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)

Judge