

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2936 of 2015**

1. Sushil Nirala, S/o Chaituram Nirala, aged about 21 years, by Caste – Satnami, R/o Village – Banskata, P.S. Komakhan, Tahsil – Bagbahra, Civil & Revenue Distt. - Mahasamund (C.G.)

---- Applicant

Versus

1. The State of Chhattisgarh, Through the Excise Officer, State Level Excise Flying Escort, Raipur, Distt – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29/06/2015**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 27.04.2015 in connection with crime No. 46 of 2015 registered at Police Station - State Level Excise Flying Escort, Raipur, for the offence punishable under Section 34 (1) (A) (2), 59 (A) of the CG Excise Act.
2. The case of the prosecution, in brief, is that the applicant was found in possession of 81.00 bulk litres of country made liquor without any authority of law.
3. Learned counsel appearing for the applicant would submit that present applicant has been falsely implicated in the case, nothing has been seized from the possession of the applicant. He would

further submit that the applicant is in jail since 27.04.2015, charge-sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel appearing for the State opposing the bail application would submit that the aforesaid liquor was seized from the present applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, considering the huge quantity of the liquor which has been seized from the possession of the applicant and in view of the provisions of Section 59 -A (ii) of the Act, I am not inclined to grant bail to the applicant.
7. Accordingly, the instant M.Cr.C. is liable to be and is hereby rejected. However, the trial Court is directed to expedite the trial.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Raju