

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3603 OF 2015**

Mukesh Kumar Sahu aged 30 years, S/o Shri Surendra Kumar Sahu, R/o Purani Basti, Kohka Bhilai, Ward No. 07, House No. 47/A, P.S. Supela Bhilai, Civ. & Rev. Dist. Durg (C.G.) *(Details not mentioned completely in the ordersheet)*

---Applicant**Versus**

State of Chhattisgarh, Through P.S. Excise Cell Arang, Civ: & Rev: Dist: Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Jitendra Kumar Gupta, Advocate.
For-Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 151/2015, registered at Police Station Excise Cell-Arang, Dist: Raipur (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that, from the possession of the applicant, 172.80 bulk liter liquor was recovered without authority of law.
3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant has already sold the vehicle to Riteshrao @ Bablu. He would lastly submit that applicant is in jail since

23/06/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the bail application by referring the statement of Prashant Kumar Verma and submit that vehicle was driven on the date of incident by the present applicant, as such, he was transporting illicit liquor.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of offence; huge quantity of liquor i.e. 172.80 bulk liters seized from the applicant; statement of Prashant Kumar Verma and further taking into consideration the provisions contained in Section 59-A(ii) of the Chhattisgarh Excise Act, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE