

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No.836 of 2015**

Shivcharan S/o Shri Gangaram Satnami, Agriculturist Aged About 34 Years  
R/o Village Sundrawan, Police Station Palari, Tah. Palari, District Balodabazar  
Chhattisgarh.

---- Petitioner

**Versus**

State Of Chhattisgarh Through Department Of Excise Balodabazar District  
Balodabazar Chhattisgarh.

---- Respondent

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| For Petitioner       | : | Shri Ashok Verma, Advcoate        |
| For Respondent/State | : | Shri Ashok Swarnkar, Panel Lawyer |

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**Order On Board****14/09/2015**

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.115/2015, registered at Police Station Excise Office Balodabazar, District Balodabazar (CG) for alleged commission of offence under Section 34(2) of CG Excise Act .

2. Case of prosecution is that in the house, where the applicant was residing with his family, 52 bulk liter liquor of different kind was seized.

3. Learned counsel for the applicant submitted that as per revenue records, the house where from the liquor has been seized, belongs to one Gangaram, who is father of the applicant. The applicant does not reside in that house and recovery of liquor from the house registered in the name of father, does not involve him but the police officers only in order to falsely implicate him as suspect of having illegal liquor, have registered offence.

4. On the other hand, learned State counsel submits that the quantity of liquor

seized from the house, which according to the prosecution witnesses, has been occupied and in possession of the applicant for the last more than 10 years where he is residing with his family members. It is stated that upon information, when premises were raided, 52 bulk liter liquor was seized in the presence of the lady members being the mother and wife of the applicant and the applicant ran away from the spot to avoid arrest.

5. Taking into consideration the aforesaid circumstances, I am not inclined to grant bail to the applicant.

6. Accordingly, the application is rejected.

Sd/-  
Manindra Mohan Shrivastava  
Judge